

NATIONAL RECOVERY ADMINISTRATION

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**CODES OF FAIR COMPETITION**

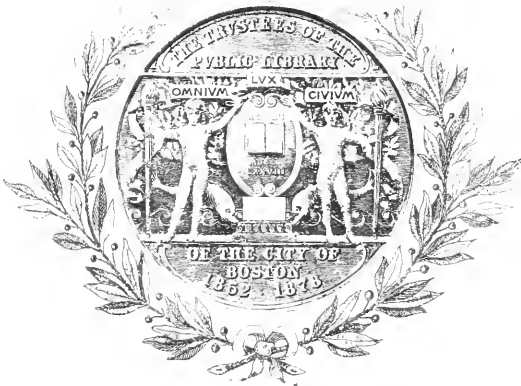
Nos. 525-531

VOLUME XVIII

OCTOBER 10 TO NOVEMBER 6, 1934

No 9381.1A40

v. 18









NATIONAL RECOVERY ADMINISTRATION  
NATIONAL INDUSTRIAL RECOVERY BOARD

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# CODES OF FAIR COMPETITION

Nos. 525-531

AS APPROVED

OCTOBER 10-NOVEMBER 6, 1934

WITH SUPPLEMENTAL CODES, AMENDMENTS  
EXECUTIVE AND ADMINISTRATIVE  
ORDERS ISSUED BETWEEN  
THESE DATES

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VOLUME XVIII



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON: 1934

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v. 18

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**CODES OF FAIR COMPETITION**

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Approved Code No. 525

**CODE OF FAIR COMPETITION**

FOR THE

**RETAIL TRADE IN THE TERRITORY OF HAWAII**

As Approved on October 15, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE RETAIL TRADE IN THE  
TERRITORY OF HAWAII**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Retail Trade in the Territory of Hawaii, and hearings having been duly held thereon, and the annexed report on said Code containing findings with respect thereto having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise; does hereby incorporate by reference said annexed report and does find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and does hereby order that said Code of Fair Competition be and it is hereby approved, subject to the following conditions:

(1) That all members of this Trade as defined in this Code under Article II, Section 1, shall to the extent that they are engaging in this Trade in Hawaii, be exempt from the provisions of any other Code of Fair Competition to which they might now or might hereafter, but for this Order, be subject.

(2) That the provisions of Article VI, Sections 1, 2, and 3, and of Schedule A, Section 3, relating to minimum wages, are stayed as to outside salesmen, as defined in Article II, Section 5 (c).

(3) That the provisions of Article VI, Sections 1, 2, and 3, and of Schedule A, Section 3, relating to minimum wages, are stayed as to employees of retail drug establishments engaged at least sixty (60) per cent of their working hours in delivering merchandise outside the establishment by which they are employed.

(4) This Code shall become effective fourteen (14) days from the date hereof unless good cause to the contrary is shown to the

National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order staying or modifying this order of approval.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

ROBERT L. HOUSTON,  
*Division Administrator*.

WASHINGTON, D. C.,  
*October 15, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report of the hearing on the Code of Fair Competition for the Retail Trade in the Territory of Hawaii, as proposed by the Retail Association of Hawaii. The public hearing was conducted in Honolulu, T. H., on the 5th of February, 1934. The Association claims to represent over 60% of the Trade.

This Code closely follows the Code of Fair Competition for the Retail Trade and has the same application in the Territory of Hawaii as the approved Code of Fair Competition for the Retail Trade has on the Mainland. The schedules appended contain special provisions which apply only to retailers of the following products: Drugs and Allied Products; Food, Groceries, and their Allied Products; Music and Radio; Electric Refrigeration; Jewelry and Allied Products; Photography and Photo-Finishing.

### LABOR PROVISIONS

The Code provides for a 40 to 48-hour work week at wages ranging from \$9.00 to \$12.00 per week according to population of the community and the number of hours worked, with certain necessary exceptions. Persons under the age of 16 are excluded from employment except for specified part-time periods. The hour provisions are identical with those of the Code of Fair Competition for the Retail Trade but the minimum wage requirements have been slightly reduced to meet the conditions in the Territory.

The Retail Trade is the largest in the Territory of Hawaii, with some 2,800 establishments employing approximately 15,000 people. Heretofore the average work week in retail establishments has been 65 hours, and though the average salaries paid to sales employees by some employers have been equal to or above the minimum prescribed in this Code, in the great majority of establishments the wages have been as low as \$5.00 and \$6.00 a week. It is estimated that the hour provisions of the Code will bring about a substantial increase in employment and that the minimum wage provisions will double the payroll of most establishments.

### FINDINGS

The Deputy Administrator in his final report to the National Industrial Recovery Board on said Code having found as herein set forth and on the basis of all the proceedings in this matter;

It finds that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and for-



eign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Trade normally employs not more than 50,000 employees; and is not classified by it as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of Title I of the Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association imposes no inequitable restrictions on admission to membership therein and is truly representative of the Retail Trade in the Territory of Hawaii.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons this Code has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 15, 1934.

## CODE OF FAIR COMPETITION FOR THE RETAIL TRADE IN THE TERRITORY OF HAWAII

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Retail Trade in the Territory of Hawaii as it applies to the Trade.

### ARTICLE I—APPLICATION

SECTION 1. *Application of Code.*—The provisions of this Code, except such provisions as are included in Schedules A, B, C, D, E, and F, annexed hereto, and in such other schedules as may subsequently be approved and annexed hereto, and except as hereinafter specifically provided, shall apply to all retailers and/or retail establishments engaged in the Retail Trade as defined in Article II hereinafter. The provisions of Schedules A, B, C, D, E, and F and such other schedules as may subsequently be annexed hereto shall apply only to those retailers and/or retail establishments as are specifically included within the provisions of such schedules.

SECTION 2. *Request for Separate Code.*—Any division of the Retail Trade which has not participated in the formation or establishment of this Code may make application to the Administrator to operate under a separate Code of Fair Competition. The Administrator shall determine whether such division of the Retail Trade shall operate under this Code or under a separate Code of Fair Competition, and may, if justice requires, stay the application of this Code to such division pending his decision or pending the approval by the Administrator of a Code of Fair Competition for such division.

This Code shall be binding upon every retail establishment until a separate Code of Fair Competition may be approved or a stay of this Code is granted.

### ARTICLE II—DEFINITIONS

SECTION 1. *Retail Trade.*—The term “retail trade” as used herein shall mean all selling of merchandise to the consumer and not for resale purposes in any form, in the Territory of Hawaii. It is provided, however, that the term shall not include the selling at retail of milk and its products, or the dispensing of drugs, medicine and medical supplies by a physician, dentist, surgeon or veterinarian in the legitimate practice of his profession; and it is further provided that the term shall not include any division of retail selling which now or may hereafter be governed by a separate Code of Fair Competition approved exclusively for the Territory of Hawaii.

SECTION 2. *Retailer.*—The term “retailer” as used herein shall mean any individual or organization engaged wholly or partially in the retail trade.

**SECTION 3. *Establishment.***—The term “establishment” as used herein shall mean any store or department of a store, shop, stand, or other place where a retailer carries on business, other than those places where the principal business is the selling at retail of products not included within the definition of retail trade. The term is also used herein to refer to the retailer who carries on business in such establishments.

**SECTION 4. *Employee.***—The term “employee” as used herein shall mean any person employed by any retailer but shall not include persons employed principally in the selling at retail of products not included within the definition of retail trade.

**SECTION 5. *Definition of Personnel.***—(a) **Executive:** The term “executive” as used herein shall mean an employee responsible for the management of a business or a recognized subdivision thereof.

(b) **Professional Person:** The term “professional person” as used herein shall mean lawyers, doctors, nurses, research technicians, advertising specialists and other persons engaged in occupations requiring a special discipline and special attainments.

(c) **Outside Salesman:** The term “outside salesman” as used herein shall mean a salesman who is engaged not less than sixty (60) per cent of his working hours outside the establishment, or any branch thereof, by which he is employed.

(d) **Outside Collector:** The term “outside collector” as used herein shall mean a collector of accounts who is engaged not less than sixty (60) per cent of his working hours outside the establishment, or any branch thereof, by which he is employed.

(e) **Watchmen and Guards:** The terms “watchmen” and “guards” as used herein shall mean employees engaged primarily in watching and safeguarding the premises and property of a retail establishment.

(f) **Store Detective:** The term “store detective” as used herein shall mean an employee engaged exclusively in detective work.

(g) **Maintenance Employee:** The term “maintenance employee” as used herein shall mean an employee essential to the upkeep and/or preservation of the premises and property of a retail establishment.

(h) **Outside Service Employee:** The term “outside service employee” as used herein shall mean an employee engaged primarily in delivering, installing or servicing merchandise outside the establishment, and shall include stable and garage employees.

(i) **Junior Employee:** The term “junior employee” as used herein shall mean an employee under eighteen (18) years of age.

(j) **Apprentice Employee:** The term “apprentice employee” as used herein shall mean an employee with less than six (6) months’ experience in the retail trade.

(k) **Part-time Employee:** The term “part-time employee” as used herein shall mean an employee who works for less than the maximum work week.

**SECTION 6. *Population.***—Population shall be determined by reference to the Fifteenth Census of the United States (U. S. Department of Commerce, Bureau of Census, 1930).

Where populations of towns and villages are not shown, the population of the precinct shall determine.

SECTION 7. *President, Act and Administrator.*—The terms “President”, “Act”, and “Administrator” as used herein shall mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

#### ARTICLE III—EFFECTIVE DATE

The effective date of this Code shall be the second Monday after is final approval.

#### ARTICLE IX—GENERAL LABOR PROVISIONS

SECTION 1. *Collective Bargaining.*—(a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

SECTION 2. *Child Labor.*—(a) On and after the effective date of this Code, no person under the age of sixteen (16) years shall be employed, except that persons under sixteen (16) but over fourteen (14) years of age may be employed either,

(1) for a period not to exceed three (3) hours per day on six (6) days per week, or,

(2) for one day per week, such day not to exceed eight (8) hours.

In either case, all such hours of work shall be between 7 A. M., and 7 P. M., and shall not conflict with the employee's hours of day school. It is provided, however, that no person under the age of sixteen (16) years shall be employed in delivering merchandise from motor vehicles.

(b) It is further provided, that if a Territorial law prescribes a higher minimum age, no person below the age specified by such Territorial law shall be employed.

SECTION 3. *Safety and Health.*—(a) Every employer shall provide for the safety health of employees during the hours and at the places of their employment.

(b) Standards for safety and health shall be submitted by the Territorial Code Authority to the Administrator within six (6) months after the effective date of this Code.

SECTION 4. On or within one week after the effective date of this Code, every retail establishment shall post and maintain in a conspicuous place in the establishment a copy of all the provisions of this Article.

**SECTION 5.** Every retail establishment shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

**SECTION 6.** No employee shall be dismissed, demoted or discriminated against for making a complaint or for giving evidence with respect to an alleged violation of this Code.

#### ARTICLE V—STORE HOURS AND HOURS OF LABOR

**SECTION 1. *Basic Store and Working Hours.***—(a) On and after the effective date of this Code, establishments in the retail trade shall elect to operate upon one of the following schedules of store hours and hours of labor:

**Group I:** Any establishment may elect to remain open for business less than fifty-six (56) hours but not less than fifty-two (52) hours per week, unless its store hours were less than fifty-two (52) hours prior to June 1, 1933, in which case such establishment shall not reduce its store hours; no employee of these establishments shall be permitted to work more than forty (40) hours per week, nor more than eight (8) hours per day, nor more than six (6) days per week.

**Group II:** Any establishment may elect to remain open for business fifty-six (56) hours or more per week but less than sixty-three (63) hours per week; no employee of such establishment shall be permitted to work more than forty-four (44) hours per week, nor more than nine (9) hours per day, nor more than six (6) days per week.

**Group III:** Any establishment may elect to remain open for business sixty-three (63) hours or more per week; no employee of such establishment shall be permitted to work more than forty-eight (48) hours per week, nor more than ten (10) hours per day, nor more than six (6) days per week.

(b) **Employees Working for Two or More Establishments:** No employee shall be permitted to work for two or more establishments a greater number of hours, in the aggregate, than he would be permitted to work for that one of such establishments which operates upon the lowest schedule of working hours.

(c) **Forty-hour Week:** No employee not included in the foregoing paragraphs, and not specifically excepted hereinafter, shall be permitted to work more than forty (40) hours per week, nor more than eight (8) hours per day, nor more than six (6) days per week.

**SECTION 2. *Schedule of Hours to be Posted.***—On or within one week after the effective date of this Code every retail establishment shall designate under which of the Groups set forth in the preceding Section it elects to operate and shall post and maintain in a conspicuous place in the establishment a copy of such election showing the store hours and employee working hours and a copy of all the provisions of this Article.

**SECTION 3. *Changes in Store Hours and Employee Working Hours.***—(a) No establishment may change from the Group in which it has elected to operate except upon December 31 of every year.



(b) Any establishment, however, may at any time increase its store hours, provided it maintains the basic employee work week of the Group in which it originally elected to operate.

(c) Any establishment may, for a period not to exceed three (3) consecutive months, temporarily reduce its store hours, but the weekly wages of its employees shall not on that account be reduced.

SECTION 4. *Exceptions to Maximum Periods of Labor.*—(a) Professional Persons, Outside Salesmen, Outside Collectors, Watchmen, Guards, and Store Detectives: The maximum periods of labor prescribed in Section 1 of this Article shall not apply to professional persons employed and working at their profession, or to outside salesmen, outside collectors, watchmen, guards, store detectives. *Provided, however,* watchmen and guards shall not be permitted to work more than fifty-six (56) hours per week, nor more than thirteen (13) days out of any fourteen (14) day period.

(b) Maintenance and Outside Service Employees: The maximum periods of labor prescribed in Section 1 of this Article shall not apply to maintenance and outside service employees; but such employees shall not be permitted to work more than six (6) hours per week above the maximum hours per week otherwise prescribed by Section 1, unless they are paid at the rate of time and one-third for all hours over such additional six (6) hours per week.

(c) Executives: Subject to the conditions set forth in Section 5 of this Article, Executives receiving thirty dollars (\$30.00) or more per week in cities or towns of over 25,000 population or receiving twenty-five dollars (\$25.000) or more per week in cities, towns or villages and other places under 25,000 population, may be permitted to work in excess of the maximum period of labor prescribed in Section 1 of this Article.

(d) Peak Periods: At Christmas, Inventory, and other peak times, for a period not to exceed five (5) weeks in the calendar year an employee whose basic work week is forty (40) hours may be permitted to work not more than forty-eight (48) hours per week and nine (9) hours per day; an employee whose basic work week is forty-four (44) hours may be permitted to work not more than fifty-two (52) hours per week and nine and one-half (9½) hours per day; an employee whose basic work week is forty-eight (48) hours may be permitted to work not more than fifty-six (56) hours per week and ten (10) hours per day. All such work may be without the payment of overtime.

SECTION 5. *Limitation Upon Number of Persons Working Unrestricted Hours.*—Notwithstanding the provisions of the foregoing sections of this Article, and regardless of the number of persons otherwise permitted to work unrestricted hours, the total number of workers in any establishment (whether such workers are executives, proprietors, partners, persons not receiving monetary wages, or others) who shall be permitted to work unrestricted hours shall not exceed the following ratio: In establishments comprised of twenty (20) workers or less the total number of workers who may be permitted to work unrestricted hours (not including those workers specified in Section 4 (a) of this Article) shall not exceed one worker for every five (5) workers or fraction thereof; in establishments

comprised of more than twenty (20) workers the total number of workers who may be permitted to work unrestricted hours (not including those workers specified in Section 4 (a) of this Article) shall not exceed one worker for every five (5) workers for the first twenty (20) workers, and shall not exceed one worker for every eight (8) workers, above twenty (20).

SECTION 6. *Hours of Work to be Consecutive.*—The hours worked by any employee during each day shall be consecutive, provided that an interval not longer than one and one-half (1½) hours may be allowed for each regular meal period, and such interval not counted as part of the employee's working time. Any rest period which may be given employees shall not be deducted from such employee's working time.

SECTION 7. *Extra Working Hour on One Day a Week.*—One day each week employees may be permitted to work one extra hour, but such hour is to be included within the maximum hours permitted each week.

SECTION 8. *Conflict with Territorial Laws.*—When any territorial law prescribes for any class of employees shorter hours of labor than those prescribed in this Article, no employee included within such class shall be employed within the Territory for a greater number of hours than the law allows.

## ARTICLE VI—WAGES

SECTION 1. *Basic Schedule of Wages.*—(a) On and after the effective date of this Code, the minimum weekly rates of wages which shall be paid for a work week as specified in Article V—whether such wages are calculated upon an hourly, weekly, monthly, commission, or any other basis—shall, except as hereinafter provided, be as follows:

(1) Within cities of over 25,000 population, no employee shall be paid less than at the rate of eleven dollars (\$11.00) per week for a forty (40) hour work week, or less than at the rate of eleven and 50/100 dollars (\$11.50) per week for a forty-four (44) hour work week, or less than at the rate of twelve dollars (\$12.00) per week for a forty-eight (48) hour work week.

(2) Within cities, towns, and villages of from 2,500 to 25,000 population, no employee shall be paid less than at the rate of nine dollars (\$9.00) per week for a forty (40) hour work week, or less than at the rate of nine and 50/100 dollars (\$9.50) per week for a forty-four (44) hour work week, or less than at the rate of ten dollars (\$10.00) per week for a forty-eight (48) hour work week.

(3) Within towns and villages with less than 2,500 population, the wages of all classes of employees shall not be less than nine dollars (\$9.00) per week.

(b) *Employees on Basic Work Week:* The minimum wages paid to professional persons, outside salesmen, outside collectors, watchmen, guards, store detectives, and maintenance and outside service employees shall be upon the basis of the basic employee work week upon which the establishment by which they are employed has elected to operate.

(c) *Wages for Employees Not Previously Covered:* The minimum wages of any employee not included in the foregoing para-

graphs and not specifically excepted hereinafter, shall be upon the basis of a forty (40) hour work week.

(d) Perquisites: The minimum rates and wages established in this Article shall not be subject to deduction for meals or lodging furnished employees unless such was the practice in the Trade prior to June 16, 1933, and, if such was the case, the charge shall not exceed for sustenance twenty-five cents (25¢) per meal, nor Three Dollars (\$3.00) in any one week, or for lodging in excess of Two and 50/100 Dollars (\$2.50) per week. No employee shall be required as a condition of employment to take either meals or lodging at any eating places or lodging houses other than those voluntarily chosen by the employee.

(e) Deductions for other perquisites shall be allowed only on the approval of the appropriate County Code Authority, provided for in Article X, and the Administrator.

(f) Gratuities shall not be considered a part of the remuneration of any employee.

SECTION 2. *Juniors and Apprentices.*—Junior and apprentice employees may be paid at the rate of One Dollar (\$1.00) less per week than the minimum wage otherwise applicable; it is provided, however, that no employee shall be classified both as a junior and as an apprentice employee, and it is further provided that the number of employees classified as junior and as apprentice employees, combined shall not exceed a ratio of one such employee to every five (5) employees or fraction thereof up to twenty (20), and one such employee to every ten (10) employees above twenty (20).

SECTION 3. *Part-time Employees.*—Part-time employees shall be paid not less than at an hourly rate proportionate to the rates prescribed in the foregoing sections of this Article, However, the County Code Authority provided for in Article X, with the approval of the Administrator may make exception in the case of students.<sup>1</sup>

SECTION 4. *Weekly Wages Above Minimum Not to be Reduced.*—The weekly wages of all classes of employees receiving more than the minimum wages prescribed in this Article shall not be reduced from the rates existing upon June 16, 1933, notwithstanding any reduction in the number of working hours of such employees.

SECTION 5. *Conflict with Territorial Laws.*—When any Territorial law prescribes for any class of employees of either sex a higher minimum wage than that prescribed in this Article, no employee of such class of either sex employed within the Territory shall be paid less than such Territorial law requires.

SECTION 6. *Schedule of Wages to be Posted.*—On or within one week after the effective date of this Code every retail establishment shall post and maintain in a conspicuous place a copy of all the provisions of this Article.

SECTION 7. *Handicapped Persons.*—A person whose earning capacity is limited because of age or physical or mental handicap or other infirmities may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file

<sup>1</sup> See paragraph 2 (2) and 2 (3) of order approving this Code.

monthly with the Territorial Code Authority and his County Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

#### ARTICLE VII—LIMITATIONS UPON PRICE INCREASES: PRIOR CONTRACTS

SECTION 1. *Limitation Upon Price Increases.*—No retailer shall increase the price of any merchandise sold after the effective date of this Code over the price existing June 1, 1933, by more than is made necessary by the amount of increases in production, operating, replacement, and/or invoice costs of merchandise, and/or by taxes or other costs resulting from action taken pursuant to the National Industrial Recovery Act and/or the Agricultural Adjustment Act since June 1, 1933, and in setting such price increases retailers shall give full weight to probable increases in sales volume. It is provided, however, that if any price on June 1, 1933, was a distress price, an equitable adjustment may be made.

SECTION 2. *Adjustment of Prior Contracts.*—Where costs of executing contracts entered into before June 16, 1933, by any retailer for the purchase of goods at fixed prices for delivery during the duration of this Code are increased by the application of the provisions of the National Industrial Recovery Act and/or the Agricultural Adjustment Act, it is deemed equitable and promotive of the purposes of the Act that appropriate adjustments of such contracts to reflect such increased costs actually incurred be arrived at by mutual agreement or arbitral proceedings or otherwise, and the Territorial Code Authority provided for in Article X hereinafter is constituted an agency to assist in effecting such adjustments.

#### ARTICLE VIII—LOSS LIMITATION PROVISION

SECTION 1. *Loss Limitation Provisions.*—(a) *Loss Leader Sales:* In order to prevent unfair competition against local merchants the use of the so-called "loss leader" is hereby declared to be an unfair trade practice. These "loss leaders" are articles often sold below cost to the merchant for the purpose of attracting trade. This practice results, of course, either in efforts by the merchant to make up the loss by charging more than a reasonable profit for other articles, or else in driving the small merchant with little capital out of legitimate business. It works back against the producer of raw materials on farms and in industry and against the labor so employed.

(b) This declaration against the use of "loss leaders" by the storekeeper does not prohibit him from selling an article without any profit to himself. But the selling price of articles to the consumer shall include an allowance for actual wages of store labor, to be fixed and published from time to time by the Administrator. Cost to the merchant shall be the net invoice delivered cost, or replacement cost, whichever is lower.

(c) Provided, however, that any merchant may sell any article of merchandise at a price as low as the price set by any competitor in his trade area on merchandise which is identical or essentially the same, if such competitor's price is set in conformity with the

foregoing provision. A merchant who thus reduces a price to meet a competitor's price as above defined shall not be deemed to have violated the provisions of this Section if such merchant immediately notifies the nearest representative retail trade organization of such action and all facts pertinent thereto.

SECTION 2. *Exceptions.*—(a) *Permissible Sales Below Cost:* Notwithstanding the provisions of the preceding Section, any retailer may sell at less than the prices specified above, merchandise sold as bona fide clearance, if advertised, marked and sold as such; highly perishable merchandise, which must be promptly sold in order to forestall loss; imperfect or actually damaged merchandise, or bona fide discontinued lines of merchandise, if advertised, marked and sold as such; merchandise sold upon the complete final liquidation of any business; merchandise sold to public carriers; departments of government, hospitals, schools and colleges, clubs, hotels, and other institutions, not for resale and not for redistribution to individuals; merchandise sold or donated for charitable purposes or to unemployment relief agencies; and drugs or drug sundries sold to physicians, nurses, dentists, veterinarians, or hospitals.

(b) *Patronage Refunds by Farmers' Associations:* Nothing in the provisions of the preceding Section shall be construed to prevent bona fide farmers' associations engaged in purchasing supplies and/or equipment for their membership from making patronage refunds to their membership.

(c) *Cost of Premiums Included in Price:* Where a bona fide premium or certificate representing a share in a premium is given away with any article the base upon which the minimum price of the article is calculated shall include the cost of the premium or share thereof.

#### ARTICLE IX—TRADE PRACTICES

All retailers shall comply with the following trade practices:

SECTION 1. *Advertising and Selling Methods.*—(a) *Inaccurate Advertising of Merchandise:* No retailer shall use advertising, whether printed, radio or display or of any other nature, which is inaccurate in any material particular or misrepresents merchandise, (including its use, trademark, grade, quality, quantity, size, origin, material, content, preparation, or curative or therapeutic effect) or credit terms, values, policies, or services; and no retailer shall use advertising and/or selling methods which tend to deceive or mislead the customer.

(b) *Inaccurate Reference to Competitors:* No retailer shall use advertising which refers inaccurately in any material particular to any competitor or his merchandise, prices, values, credit terms, policies, or services.

(c) *Advertising Policy of Underselling:* No retailer shall use advertising which inaccurately lays claim to a policy or continuing practice of generally underselling competitors.

(d) *Secret Gift to Agent or Purchaser:* No retailer shall secretly give anything of value to the employee or agent of a customer for the purpose of influencing a sale, or in furtherance of a sale render a bill or statement of account to the employee, agent or customer which is inaccurate in any material particular.

(e) **Urging Customers to Take Substitute:** No retailer shall place obstacles in the way of the purchase of a product which a customer orders by brand name by urging upon the consumer a substitute product in a manner which disparages the product ordered.

SECTION 2. *NRA Label.*—No retailer shall purchase, sell or exchange any merchandise manufactured under a Code of Fair Competition which requires such merchandise to bear an NRA label, unless said merchandise bears such label. Any retailer rightfully possessing the insignia of the NRA who has in stock or purchases similar merchandise which has been manufactured before the effective date of the Code of Fair Competition requiring such merchandise to bear an NRA label may attach thereto the NRA insignia.

SECTION 3. *Prison-Made Goods.*—(a) Where any penal, reformatory or correctional institution, either by subscribing to the Prison Labor Compact, or by a binding agreement of any other nature, satisfies the Administrator that merchandise produced in such institution or by the inmates thereof will not be sold except upon a fair competitive basis with similar merchandise not so produced, the provisions of paragraph (b) hereof shall not apply to any merchandise produced in such manner in the institutions covered by such agreement.

(b) Except as provided in the foregoing paragraph, no retailer shall knowingly buy or contract to buy any merchandise produced in whole or in part, in a penal, reformatory or correctional institution. After sixty days following the effective date of this Code, no retailer shall knowingly sell or offer for sale such merchandise. Nothing in this Section, however, shall affect contracts, which the retailer does not have the option to cancel, made with respect to such merchandise before the final approval of this Code.

(c) Nothing in this Section shall be construed to supersede or interfere with the operation of the Act of Congress approved January 19, 1929 being Public No. 669 of the 70th Congress and entitled "An Act to Divest Goods, Wares, and Merchandise Manufactured, Produced or Mined by Convicts or Prisoners of their Interstate Character in Certain Cases", which Act is known as the Hawes-Cooper Act, or the provisions of any Territorial legislation enacted under, or effective upon, the effective date of the said Hawes-Cooper Act, the said effective date being January 19, 1934.

SECTION 4. *Competitors' Employees.*—No retailer shall maliciously entice away an employee of a competitor with the purpose or effect of unduly hampering, injuring, or embarrassing a competitor in his business.

SECTION 5. *Discounts, Rebates, Refunds, Etc.*—No retailer shall grant discounts, rebates, refunds, commissions or credits, whether in the form of money or otherwise, and shall not extend to certain purchasers special services or privileges if such discounts, rebates, refunds, commissions, credits, special services, or privileges are not extended to all purchasers of the same class (individuals directly connected with his establishment excepted, and then only when merchandise is for their personal use and not for resale) on like terms and conditions, except as between retailers in like lines of business and for resale only at a price not less than the retailer's price. This shall not be so construed as to prevent a plantation store from selling

to plantation employees necessities of life at special prices. A list of such necessities will be made by the Territorial Code Authority subject to the approval of the Administrator.

SECTION 6. *Payment of Commissions to Non-Employees.*—No retailer shall pay any commissions or any remuneration of any kind, to any part-time, occasional, or location salesman not employed by said member of the Trade, or to any customer, tipster, or similar person who is not regularly employed on a full-time basis by the Trade.

#### ARTICLE X—ADMINISTRATION AND ENFORCEMENT

The following provisions for the Administration of this Code shall apply to all Retail Trade as defined in Section 1 of Article II, including but without limitation, the subdivisions of the Retail Trade subject to Schedules A, B, C, D, E, and F and any additional schedules which may hereafter be approved.

SECTION 1. *Retail Code Authorities.*—(a) (1) The Territorial Code Authority shall consist of the Chairman of each of the County executive committees of the Retail Association of Hawaii, together with such voting members, as may be appointed by the Administrator. In addition there may be not more than three members, without vote, to be known as Administration Members to be appointed by the Administrator to serve for such terms as he may specify.

(2) The Territorial Code Authority shall, to the extent permitted by the Act, be responsible for the proper administration and enforcement of the provisions of this Code and any revisions thereof or additions thereto. It shall coordinate and supervise the activities of the subordinate County Code Authorities and prescribe rules and regulations for their procedure.

(3) The County Executive Committees of the Retail Association of Hawaii, together with such voting members as may be appointed by the Administrator, shall constitute the County Code Authorities for their respective counties. In addition there may be not more than three members, without vote, to be known as Administration members, to be appointed by the Administrator to serve for such terms as he may specify.

(4) In appointing voting members to the Territorial Code Authority and the County Code Authorities, the Administrator shall provide such representation for non-members of the Retail Association of Hawaii as he deems proper.

(b) Reports and Investigations: The Territorial Code Authority shall, subject to the approval or upon the request of the Administrator require from all retailers such reports as are necessary to effectuate the purposes of this Code, and may, upon its own initiative, or upon the complaint of any person affected, make investigations as to the functioning and observance of any provisions of the Code and report the results of such investigation to the Administrator.

(c) Recommendations: The Territorial Code Authority may from time to time present to the Administrator recommendations (including interpretations) based on conditions in the Trade which may tend to effectuate the operation of the provisions of this Code and

the policy of the National Industrial Recovery Act. Such recommendations shall, upon approval by the Administrator, become operative as part of this Code.

SECTION 2. *Expenses.*—(a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Territorial Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by retailers.

(3) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all retailers, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each retailer shall pay his or its equitable contribution to the expenses of the maintenance of the Territorial Code Authority and his or its respective County Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only retailers complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Territorial Code Authority or County Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) Neither the Territorial Code Authority nor any County Code Authority shall either incur or pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

SECTION 3. If the Administrator shall determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

SECTION 4. In order that the Territorial Code Authority and County Code Authorities shall at all times be truly representative of the Trade and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem



proper; and thereafter if he shall find that any such Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of such Code Authority.

## ARTICLE XI—GENERAL

SECTION 1. *Membership in Retail Association.*—Each trade or industrial association directly or indirectly participating in the selection or activities of the Territorial Code Authority or any County Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 2. *Information to be Furnished Government Agencies.*—In addition to information required to be submitted to the Territorial Code Authority, retailers subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purpose recited in Section 3 (a) of the Act to such Federal and Territorial agencies as he may designate; provided, that nothing in this Code shall relieve any retailer of any existing obligations to furnish reports to any government agency. No individual reports shall be disclosed to any other retailer or any other party except to such other Governmental agencies as may be directed by the Administrator.

SECTION 3. *Prohibition Against Monopolies.*—The provisions of this Code shall not be interpreted or applied to promote monopolies or monopolistic practices or to eliminate or oppress small enterprises or to discriminate against them.

SECTION 4. *Prohibition Against Use of Subterfuge.*—No retailer shall use any subterfuge to frustrate the spirit and intent of this Code, which is, among other things, to increase employment by universal covenant, to remove obstructions to commerce, to shorten hours of work and to raise wages to a living basis.

SECTION 5. *Right of President to Cancel or Modify.*—This Code and all of the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Section 10 (b) of Title I of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulations, issued under Title I of said Act.

SECTION 6. *Modifications and Supplementary Provisions.*—(a) Such of the provisions of this Code as are not required to be included herein by the National Industrial Recovery Act may, with the approval of the President, be modified or eliminated as changes in conditions or experience may indicate.

(b) It is contemplated that from time to time supplementary provisions of this Code or additional Codes will be submitted for the approval of the Administrator to prevent unfair competitive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act.

SECTION 7. *Expiration.*—This Code shall continue in effect until June 16th, 1935, or the earliest date prior thereto on which the President shall by proclamation, or the Congress shall by joint resolution, declare that the emergency recognized by Title I of the National Industrial Recovery Act has ended.

## ARTICLE XII

SECTION 1. Unless the contrary is indicated, the above provisions shall govern the trades and industry treated in the schedules hereto annexed.

Approved Code No. 525.  
Registry No. 1625-61.

## SCHEDULE A

### SUPPLEMENTARY PROVISIONS AND MODIFICATIONS APPLICABLE TO RETAIL DRUG ESTABLISHMENTS AND TO ALL RETAILERS DEALING IN DRUGS AND ALLIED PRODUCTS WITHIN THE TERRITORY OF HAWAII

In addition to the foregoing provisions of this Code, the following supplementary provisions and modifications shall apply to retail drug establishments and to all retailers dealing in drugs and allied products.

#### SECTION 1—DEFINITIONS

(1) *Retail Drug Trade.*—The term “retail drug trade” as used herein shall mean all selling to the consumer and not for the purpose of resale in any form of drugs, medicines, cosmetics, toilet preparations, drug sundries, and/or allied items, in the Territory of Hawaii. It is provided, however, that the term “retail drug trade” shall not include the dispensing of drugs, medicines, and medical supplies by a physician, dentist, surgeon, or veterinarian in the legitimate practice of his profession.

(2) *Drug Retailer.*—The term “drug retailer” as used herein shall mean any individual or organization engaged wholly or partially in the retail drug trade.

(3) *Retail Drug Establishment.*—The term “retail drug establishment” as used herein shall mean any store or department of a store engaged in the retail drug trade, but shall not include stores or departments, in which the principal business is the selling at retail of products other than drugs, medicines, cosmetics, toilet preparations, drug sundries, and/or allied items.

(4) *Drugs.*—The term “drug” as used herein shall mean all medicinal substances and preparations recognized in the United States Pharmacopoeia and National Formulary or any supplements thereto, and all substances and preparations intended for external or internal use in the cure, mitigation, treatment or prevention of disease in man or other animals, and all substances and preparations other than food (but including medicinal or quasi-medicinal preparations, such as those sold or produced primarily for their vitamin content), intended to affect the structure or any function of the body of man or other animals.

(5) *Cosmetics and Toilet Preparations.*—The term “cosmetics” and the term “toilet preparations” as used herein shall mean toilet articles and perfumes, toilet waters, face powders, face creams, rouges, shaving creams, dentifrices, soaps, and similar substances and preparations designed and intended for application to the person for the purpose of cleansing, improving the appearance of, refreshing or preserving the person.

(6) *Drug Sundries.*—The term “drug sundries” as used herein shall mean such articles as are used in conjunction with but not included in “drugs”, “cosmetics”, or “toilet preparations.”

(7) *Registered Pharmacist, Assistant Pharmacist, Apprentice Pharmacist.*—The term “registered pharmacist,” “assistant pharmacist,” and “apprentice pharmacist” as used herein shall have the meaning given to them under the laws of the Territory of Hawaii.

#### SECTION 2—STORE HOURS AND HOURS OF LABOR

(1) *Group IV, for Retail Drug Establishments.*—In place of any of the schedules of store hours and hours of labor set forth in Article V, Section 1, retail drug establishments may elect to remain open for business seven (7) days a week for a total of eighty-four (84) hours or more per week but on no day for less than eight (8) hours; but no employee of such establishment, except as provided in Article V, Sections 4 and 5, shall be permitted to work more than fifty-six (56) hours per week or more than ten (10) hours per day, nor more than thirteen (13) days in any two consecutive weeks.

(2) *Exceptions in Case of Pharmacists.*—The maximum hours of labor prescribed in Article V and in paragraph (1) of this Section shall not apply to registered pharmacists, assistant pharmacists, and apprentice pharmacists, employed and working as such, who may be permitted to work ten (10) per cent above the maximum hours otherwise applicable, or more in cases of emergency.

#### SECTION 3—WAGES<sup>1</sup>

(1) *Basic Rates for Retail Drug Establishments Electing to Operate in Group IV.*—No employée of a retail drug establishment which has elected to operate in Group IV as set forth above, shall, except as provided in Article VI, Section 2, be paid for a fifty-six (56) hour work week less than at the rate of thirteen dollars (\$13.00) per week in cities of over 25,000 population; in cities, towns, and villages of from 2,500 to 25,000 population, the wages of all classes of employées of such establishments shall not be less than at the rate of eleven dollars (\$11.00) per week; in towns, villages, and other places with less than 2,500 population, the wages of all classes of employées shall not be less than ten dollars (\$10.00) per week.

(2) *Exception to above.*—Retail drug establishments may elect to operate departments of their business under Article V, Section 1, Groups I, II, and III, and Article VI, providing that such election shall be posted in accordance with Article V, Section 2.

#### SECTION 4—TRADE PRACTICES

In addition to the trade practices set forth in Article IX, all drug retailers shall comply with the following:

(1) No drug retailer shall substitute another article or any part thereof for the kind ordered, without due notice to and consent of the customer.

(2) No drug retailer shall advertise to fill prescriptions at a uniform price irrespective of cost of ingredients or quantity prescribed.

(3) No drug retailer shall permit any demonstrator or sales employee, whose salary is wholly or partially paid by a manufacturer or distributor, to work in his establishment unless such demonstrator or sales employee is clearly and openly identified as the agent of such manufacturer or distributor.

(4) *Loss Limitation Provision.*—In place of the provisions of Article VIII, Section 1, the following provision shall apply to all retailers selling the products specified hereinafter; "Inasmuch as the vast preponderance of drug store products are distributed through small drug retailers who are unable to purchase on a quantity basis but who perform services which are essential to the welfare of those in their communities, and whereas such services cannot adequately be performed through the facilities provided by their competitors, and whereas in some cases sales are made to consumers by such competitors at prices below the lowest cost of purchase normally obtainable for such merchandise by small drug retailers, and whereas in most instances such sales prices are not a true indication of the general level of prices of such competitors and no general benefit to those in the community accompanies the same, but such prices are in fact in the nature of bait offers of merchandise to attract trade, it is hereby declared an unfair trade practice and is prohibited by this Code for any drug retailer to sell any drugs, medicines, cosmetics, toilet preparations, or drug sundries at a price below the manufacturer's wholesale list price per dozen, provided, however, that in the case of biologicals or other of the above-mentioned products which are not customarily sold in dozen or greater lots the Territorial Code Authority may fix a comparable unit quantity, and provided further that any discount, free deal, or rebate which is made available to all purchasers of dozen lots or comparable quantities, shall be considered as part of the manufacturer's wholesale list price."

#### SECTION 5—ADMINISTRATION

The administration of this Schedule shall be governed in accordance with Article X of this Code.

<sup>1</sup> See paragraphs 2 (2) and 2 (3) of order approving this Code.

## SCHEDULE B

### SUPPLEMENTARY PROVISIONS AND MODIFICATIONS APPLICABLE TO RETAIL FOOD AND GROCERY ESTABLISHMENTS AND TO ALL RETAILERS DEALING IN FOOD, GROCERIES AND THEIR ALLIED PRODUCTS WITHIN THE TERRITORY OF HAWAII

In addition to the foregoing provisions of this Code, the following supplementary provisions and modifications shall apply to retail food and grocery establishments and to all retailers dealing in food and groceries and their allied products.

#### SECTION 1—DEFINITIONS

(1) *Retail Food and Grocery Trade.*—The term "retail food and grocery trade" as used herein shall mean all selling of food and/or grocery products to the consumer and not for the purpose of resale in any form within the Territory of Hawaii, but shall not include the selling of food in restaurants for consumption upon the premises, or the selling of milk or its products by delivery from house to house upon regular routes. It is provided, however, that the term shall not include the selling of any food or grocery products which are now or may hereafter be governed by a separate Code of Fair Competition.

(2) *Food and Grocery Retailer.*—The term "food and grocery retailer" as used herein shall mean any individual or organization engaged wholly or partially in the retail food and grocery trade.

(3) *Retail Food and Grocery Establishment.*—The term "retail food and grocery establishment" or "establishment" as used herein shall mean any store, department of a store, shop, stand or other place where a food and grocery retailer carries on business other than those places where the principal business is the selling at retail of products not included within the definition of retail food and grocery trade.

#### SECTION 2—STORE HOURS AND HOURS OF LABOR

(1) *Basic Hours of Labor.*—No employee except as herein provided, shall be permitted to work more than forty-eight (48) hours per week, or more than ten (10) hours per day, nor more than six (6) days per week.

(2) *Exception to Basic Working Hours.*—It is provided that an establishment which operates a grocery and meat department as separate units, shall be permitted to exempt one worker in addition to the proprietor or executive from all restrictions upon hours provided that such additional worker shall not receive less than thirty dollars (\$30.00) per week.

(3) *Exception for Delicatessen Stores.*—It is provided, that no delicatessen store whose principal business is serving, preparing and selling food ready for immediate consumption, may operate longer hours than those prescribed by Article V, Section 1.

(4) *Registration of Store Hours.*—All establishments shall register the operating hours they select with the County Code Authority, and shall post such hours in a conspicuous place in the establishment.

#### SECTION 3—WAGES

(1) *Basic Schedule of Wages.*—On and after the effective date of this Schedule, the minimum weekly rate of wages shall be paid for a work week as specified in Article V of this Code, and such wages whether paid on an hourly, weekly, monthly, commission, or any other basis shall, except as provided hereafter, be as follows:

(a) Within cities of over 25,000 population, no employee shall be paid less than at the rate of twelve dollars (\$12.00) per week.

(b) Within cities, towns, and villages of from 2,500 to 25,000 population, no employee shall be paid less than at the rate of ten dollars (\$10.00) per week.

(c) Within towns and villages with less than 2,500 population, the wages of all classes of employees shall not be less than nine dollars (\$9.00) per week.

#### SECTION 4—LOSS LIMITATION PROVISION

Cost to the merchant shall be the invoice or replacement cost, whichever is lower, after deduction of all legitimate trade discounts exclusive of cash discounts for prompt payment.

#### SECTION 5—ADMINISTRATION

The administration of this Schedule shall be governed in accordance with Article X of this Code.

## SCHEDULE C

SUPPLEMENTARY PROVISIONS AND MODIFICATIONS APPLICABLE TO RETAIL MUSIC AND RADIO DEALERS, AND RADIO AND MUSIC SERVICE SHOPS WITHIN THE TERRITORY OF HAWAII.

In addition to the foregoing provisions of this Code, the following supplementary provisions and modifications shall apply to retail music and radio establishments and to all retailers dealing in radio and musical instruments.

### SECTION 1—TRADE PRACTICES

In addition to the trade practices set forth in the provisions of the Code, it shall be considered unfair trade practices for any music or radio dealer to:

(1) Display his unit merchandise without its cash retail price plainly marked thereon.

(2) Guarantee to the purchaser any radio for free service of time work in excess of thirty days or parts replacement in excess of ninety days from date of sale, except where a radio is covered by another guarantee for a greater period of time.

### SECTION 2—ADMINISTRATION

The administration of this Schedule shall be governed in accordance with Article X of this Code.

## SCHEDULE D

### SUPPLEMENTARY PROVISIONS AND MODIFICATIONS APPLICABLE TO RETAIL ELECTRIC REFRIGERATION DEALERS AND ESTABLISHMENTS WITHIN THE TERRITORY OF HAWAII

In addition to the foregoing provisions of this Code, the following supplementary provisions and modifications shall apply to retail refrigeration establishments and to all retailers dealing in electric refrigeration.

#### SECTION 1—TRADE PRACTICES

In addition to the trade practices set forth in the provisions of this Code it shall be considered an unfair trade practice for any electrical refrigeration establishment or retailer to:

(1) Deliver any electric refrigerator to a prospective purchaser on approval or free trial.

(2) Display his unit merchandise without its cash retail price plainly marked thereon.

(3) Accept a time contract from the purchaser of an electric refrigerator on terms in excess of twenty-four (24) months.

(4) When, in the opinion of the Territory Code Authority, other unfair trade practices exist within the Trade governed by this Schedule, the Territorial Code Authority may request the Administrator to conduct such hearings as he deems necessary and with his approval a ban upon such unfair trade practices will become a part of this Schedule.

#### SECTION 2—EXCEPTIONS

The foregoing trade practices do not restrict any dealer from following any special sales plans or campaigns when the manufacturer of the product being sold by the dealer is promoting or sponsoring such campaign nationally. In such case it shall also be the privilege for any other refrigerator dealer or establishment to adopt similar plans that will permit said dealer or establishment to meet his competitor on fair terms.

#### SECTION 3—ADMINISTRATION

The administration of this Schedule shall be governed in accordance with Article X of this Code.



## SCHEDULE E

### SUPPLEMENTARY PROVISIONS AND MODIFICATIONS APPLICABLE TO RETAIL JEWELRY ESTABLISHMENTS AND TO ALL RETAILERS DEALING IN JEWELRY AND ALLIED PRODUCTS WITHIN THE TERRITORY OF HAWAII

In addition to the foregoing provisions of this Code, the following supplementary provisions and modifications shall apply to retail jewelry establishments and all retailers dealing in jewelry and allied products.

#### SECTION 1—DEFINITIONS

(1) *Retail Jewelry Trade*.—The term "retail jewelry trade" as used herein shall mean all selling to the consumer, and not for the purpose of resale in any form, of jewelry as defined herein or services or repairs to jewelry, in the Territory of Hawaii.

(2) *Retail Jeweler*.—The term "retail jeweler" as used herein shall mean any individual or organization engaged wholly or partially in the retail jewelry trade.

(3) *Jewelry*.—The term "jewelry" as used herein shall mean diamonds and other precious and semi-precious stones, pearls, cultured pearls, synthetic stones, and any imitations of any of these articles, articles for personal wear and adornment of any character whatsoever commonly and commercially known as "jewelry", watches, clocks, silverware, goldware, and precious metalware of the platinum group, and wares plated with any precious metal.

(4) *Retail Jewelry Establishment*.—The term "retail jewelry establishment" as used herein shall mean any store or department of a store engaged in the retail jewelry trade, but shall not include stores or departments in which the principal business is the selling at retail of products other than jewelry, or services or repairs to jewelry.

#### SECTION 2—TRADE PRACTICES

In addition to the Trade Practices set forth in Article IX of this Code, all retail jewelers shall comply with the following:

(1) No retail jeweler shall violate National Stamping Laws or the standards of quality approved by the United States Bureau of Standards.

(2) No retail jeweler shall use the word "perfect" or any other word or expression of similar meaning, in any way, in connection with, or as descriptive of, any diamond, ruby, sapphire, or emerald which discloses flaws, cracks, carbon, spots, clouds, cloudy texture, or blemishes of any sort when examined by a trained eye under a diamond loupe of not less than 7 power.

(3) No retail jeweler shall use the word "diamond", "emerald", "ruby", "sapphire", or "pearl" in selling, offering for sale, or advertising for sale any article or articles that are manufactured, produced or artificially cultured or cultivated as an imitation of, or substitute for, any real or natural diamond, emerald, ruby, sapphire, or pearl, as defined hereafter, without using a word or words conspicuously and clearly portraying that the article is manufactured, produced, or artificially cultured or cultivated, as the case may be.

#### DEFINITIONS

**Diamond:** A mineral consisting essentially of pure carbon crystallized in the isometric system, generally in octahedron form, either colorless or variously tinted. Its hardness is 10 and its specific gravity is about 3.525.

**Emerald:** A bright-green variety of beryl which crystallized in the rhombohedral system, almost always in six-sided prisms. Its color is due to the presence of chromium. Its hardness is about 7.8 and its specific gravity very nearly 2.7.

**Ruby:** The name "ruby" is given to the transparent red variety of the mineral corundum, which is nearly pure alumina ( $Al_2O_3$ ). The color is due to the addition of minute quantities of metallic oxides to the alumina. Its hardness is about 8.8 and its specific gravity varies from 3.97 to 4.05.

**Sapphire:** The name "sapphire" is given to the transparent blue variety of the mineral corundum, which is nearly pure alumina ( $Al_2O_3$ ). The color is due to the addition of minute quantities of metallic oxides to the alumina. Its hardness is about 8.8 and its specific gravity varies from 3.97 to 4.05. Sapphires may be of other colors than blue, but in that case are commercially classed as semi-precious stones.

**Pearl:** Pearls are lustrous concretions, consisting essentially of concentric layers of carbonate of lime interstratified with animal membrane, found in the shells of certain mollusks, the result of an abnormal secretory process caused by an irritation of the mantle of the mollusk consequent on the natural intrusion into the shell of some foreign body, as a grain of sand, an egg of the mollusk itself, or perhaps some cercarian parasite, or an excess of carbonate of lime in the water.

(4) No retail jeweler shall use the words "real", "genuine", "natural", or any other words of similar meaning, in any way, in connection with, or as descriptive of, any article or articles that are manufactured, produced, or artificially cultured or cultivated, as an imitation of, or substitute for, any precious or semiprecious stones or pearls.

(5) No retail jeweler selling jewelry to the ultimate consumer shall refer his customers to the establishment of another retailer with the suggestion that the customer make a selection but no purchase, thus parasitically using the facilities of the latter retailer, such as stock and salesmen's time, to create sales for himself by offering and delivering the identical goods to his customers at greater profit to himself, because others bear a substantial part of the cost of his effecting such sale.

(6) No retail jeweler shall issue price lists and/or catalogues the tendency of which, in connection with the offering of discounts, is to give to the consumer the impression that the prices are bargain prices, when such in fact is not the case.

(7) No retail jeweler shall advertise or offer to repair watches or clocks at a uniform price irrespective of the cost of such repairs.

(8) No retail jeweler shall sell, offer for sale, or advertise for sale, rebuilt watches unless such articles are clearly designated as such.

(9) No retail jeweler shall appraise any articles of jewelry unless such appraisal is in writing over his signature.

### SECTION 3—ADMINISTRATION

The administration of this Schedule shall be governed in accordance with Article X, of this Code.

## SCHEDULE F

### SUPPLEMENTARY PROVISIONS AND MODIFICATIONS APPLICABLE TO THE PHOTOGRAPHIC AND PHOTO FINISHING INDUSTRY WITHIN THE TERRITORY OF HAWAII

In addition to the foregoing provisions of this Code, the following supplementary provisions and modifications shall apply to Photographic and Photo Finishing establishments.

#### SECTION 1—DEFINITIONS

(1) *Photographic and Photo Finishing Industry.*—The term "Photographic and Photo Finishing Industry" as used herein includes the production and sale of photographic reproductions and/or prints and the development of exposed photographic films, plates, or packs, and/or the printing thereof. This term shall not include blueprinting, photostating, X-raying, and motion pictures.

(2) The Three Divisions of this Industry are:

(a) Portrait photography, which includes the production and sale of photographic reproductions of natural persons.

(b) Commercial photography, which includes the production and sale of photograph reproductions of natural persons, properties, chattels, and documents.

(c) Photo finishing, which includes the development and/or printing of exposed photographic films, plates, or packs, and the sale thereof.

#### SECTION 2—TRADE PRACTICES

(1) The following practices, applicable to all divisions, constitute unfair methods of competition for members of the Industry and are prohibited:

(a) *False Invoices.*—To withhold from or insert in an invoice or order statements or entries which make such documents a false record, wholly or in part, of the transaction represented on the face thereof.

(b) *False Marking or Branding.*—The false marking or branding of any product of the Industry which has the tendency to mislead or deceive customers or prospective customers, whether as to the grade, quality, quantity, substance, character, nature, origin, size, finish, or preparation of any product of the Industry or otherwise.

(c) *Breach of Contracts.*—Inducing or attempting to induce the breach of an existing oral or written contract between a competitor and his customers, or source of supply, or interfering with or obstructing the performance of any such contractual duties or services.

(d) *Copying of Proofs.*—To copy without the maker's permission, proofs and/or photographic prints which bear the name of the maker when his establishment is still in existence.

#### PORTRAIT PHOTOGRAPHY

(2) The following practices, applicable to the Portrait Photography Division, constitute additional unfair methods of competition for members of that division, and are hereby prohibited.

(a) *Secretly Subsidize.*—To secretly subsidize prominent persons and use their names and/or photographs for advertising or display purposes.

(b) *Disclose Name of Producer.*—To fail to disclose the name of the member actually selling or producing portraits when same are sold or advertised in and through another concern.

## COMMERCIAL PHOTOGRAPHY

(3) Commercial Photography shall be governed by the foregoing Trade Practices.

## SECTION 3—ADMINISTRATION

The administration of this Schedule shall be governed in accordance with Article X of this Code.



Approved Code No. 526

**CODE OF FAIR COMPETITION**  
FOR THE  
**FLOOR MACHINERY INDUSTRY**

As Approved on October 17, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE FLOOR MACHINERY  
INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Floor Machinery Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859 and otherwise, does hereby incorporate by reference said annexed report and does find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and does hereby order that said Code of Fair Competition be and it is hereby approved.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 17, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Floor Machinery Industry, public hearing on which was held in Washington, D. C., on July 12, 1934, in accordance with the provisions of the National Industrial Recovery Act:

### PROVISIONS OF THE CODE AS TO WAGES AND HOURS

This Code provides for a maximum working period of forty (40) hours per week, eight (8) hours in any twenty-four (24) hour period, and six (6) days per week. The following are excepted:

(a) Executives and managerial employees receiving thirty-five dollars (\$35.00) or more per week, traveling salesmen and collectors.

(b) Employees on emergency maintenance or repair work who are to be paid at least one and one-half ( $1\frac{1}{2}$ ) times the normal rate for time worked in excess of eight (8) hours per day, or forty (40) hours per week.

(c) Employees meeting the requirements of peak demand for any six (6) weeks in any six (6) months' period who are to be paid not less than one and one-half ( $1\frac{1}{2}$ ) times the normal rate for time worked in excess of eight (8) hours in any one day or forty (40) hours in any one week.

(d) Watchmen are permitted to work fifty-six hours per week.

(e) Stock and shipping clerks and delivery employees may work not to exceed forty-four (44) hours per week, with time and one-half ( $1\frac{1}{2}$ ) paid for hours worked in excess of eight (8) hours per day or forty (40) hours per week.

This Code provides for minimum rates of pay of forty cents (40¢) per hour. It provides for minimum rates of pay for office employees of fifteen dollars (\$15.00) per week, except in cities of less than 250,000, when the minimum rate is fourteen (14) dollars per week.

Child labor is prohibited, and no person under eighteen (18) years of age may be employed at occupations or operations which are hazardous in nature or dangerous to health.

Provisions are made for posting of complete copies of the Code and any amendments or modifications which may later be approved.

### ECONOMIC EFFECTS OF THE CODE

This is a comparatively small industry, the products of which are used in the conditioning and maintenance of floor surfaces.

There are some thirty-four known members of the industry of which fourteen represent between 90% and 95% of the production volume.

The industry generally has operated for the past year under the President's Reemployment Agreement, under which wages were raised in 1933 about 25%.

The estimated production volume of the industry in 1929 was \$3,200,000, and it employed a total of 671. In 1933 the production volume had shrunk to \$1,800,000, and there were only 383 employees. While there has been an increase of about 10% in the number of employees in 1934, a substantial increase is possible only through a general resumption of business activity.

It is expected that the adoption by the industry of the Trade Practice Rules provided in this Code will materially assist in restoring this industry to a healthy basis of operation.

#### FINDINGS

The Deputy Administrator in his final report to us on said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, therefore, we have approved this Code.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 17, 1934.

# CODE OF FAIR COMPETITION FOR THE FLOOR MACHINERY INDUSTRY

## ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are submitted as a Code of Fair Competition for the Floor Machinery Industry, and upon approval shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

SECTION 1. The term "Floor Machinery Industry" or the "Industry" means the manufacture for sale of floor waxing, scrubbing, polishing, sanding, refinishing, or surfacing machinery.

SECTION 2. The term "Employee", as used herein, includes any and all persons engaged in the industry, however compensated, except a member of the industry.

SECTION 3. The term "Employer", as used herein, includes anyone by whom any such employee is compensated or employed.

SECTION 4. The term "Member of the Industry" as used herein, includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the Industry either as an employer, or on his or its own behalf.

SECTION 5. The term "Association", as used herein, means the Floor Machinery Manufacturers Association.

SECTION 6. The terms "President", "Act", and "Administrator", as used herein, mean respectively the President of the United States of America, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery under said Act.

## ARTICLE III—HOURS

SECTION 1. No employee shall be permitted to work in excess of eight (8) hours in any twenty-four (24) hour period, or in excess of forty (40) hours in any one week or more than six (6) days in any seven (7) day period, except as otherwise expressly provided in this Article III.

SECTION 2. (a) The provisions of this Article III shall not apply to persons employed in managerial or executive capacities who are paid thirty-five (35) dollars or more per week (or to traveling salesmen, or to collectors who are paid on a commission basis).

(b) Watchmen shall not be permitted to work in excess of fifty-six (56) hours per week.

SECTION 3. (a) The maximum hours fixed in Section 1 hereof shall not apply for six (6) weeks in any twenty-six (26) weeks period, during which overtime shall not exceed eight (8) hours in



any one week. In any such case at least one and one-half ( $1\frac{1}{2}$ ) times the regular rate shall be paid to each such employee for hours worked in excess of eight (8) hours in any twenty-four (24) hour period, or in excess of forty (40) hours in any seven (7) day period.

(b) The maximum hours fixed in Section 1 hereof shall not apply to any employee on emergency maintenance or repair work involving break-downs or protection of life or property, but in any such special case at least one and one-half ( $1\frac{1}{2}$ ) times his regular rate shall be paid to each such employee for hours worked in excess of eight (8) hours in any twenty-four hour period or in excess of forty (40) hours in any seven (7) day period.

(c) Stock and shipping clerks and delivery employees shall be permitted to work not in excess of forty-four (44) hours per week, provided that at least one and one-half ( $1\frac{1}{2}$ ) times the regular rate shall be paid each such employee for hours worked in excess of eight (8) hours in any twenty-four (24) hour period or in excess of forty (40) hours in any seven (7) day period.

SECTION 4. No employer shall knowingly permit any employee to work for any time which when totaled with that performed for another employer or employers exceeds the maximum permitted herein.

SECTION 5. No employer shall work any accounting or clerical employee more than forty (40) hours in any one week nor more than six (6) days in any seven (7) day period or more than eight (8) hours in any twenty-four (24) hour period.

#### ARTICLE IV—WAGES

SECTION 1. No employee shall be paid less than at the rate of forty (40) cents per hour, except as hereinafter provided.

SECTION 2. No clerical or office employee shall be paid less than at the rate of fifteen (15) dollars per week, except in cities of less than 250,000 the minimum rate shall be fourteen (14) dollars per week.

SECTION 3. (a) Office boys and girls or messengers may be paid not less than at the rate of eighty (80) percent of the minimum rate for clerical and office employees established in Section 2 of this Article, but the total number of such office boys and girls and messengers employed by any one employer shall not exceed five (5) percent of the total number of office employees of such employer, provided, however, that each employer shall have the right to employ one such boy or girl or messenger. The wage provisions of this article shall not apply to outside salesmen who are compensated wholly on a commission basis.

(b) A person whose earning capacity is limited because of age or physical or mental handicap or other infirmity may be employed at light work at a wage below the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the Department of Labor in issuing certificates to such persons. Each employer shall file with the Code Authority a list of all such persons

employed by him, showing the wages paid to, and maximum hours of work of, each such employee.

SECTION 4. (a) This Article establishes a minimum rate of pay regardless of whether an employee is compensated on a time rate or piece-work or other basis.

(b) The rates of compensation of all employees receiving more than the minimum herein established shall be equitably adjusted by all employers who have not already done so since June 16, 1933; provided that in no case shall hourly or piecework rates be reduced nor shall any office employee have his weekly compensation reduced on account of a reduction in the hours of employment in conformity with the provisions of Article III. Within thirty (30) days after the effective date, each employer in the Industry shall report to the Administrator, through the Code Authority the action taken by him since June 16, 1933, in adjusting the rate of all hourly and piecework employees and of all office employees receiving less than thirty-five (35) dollars per week of regular work period.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the industry, nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator within sixty (60) days after the effective date of this Code a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate or permit duly signed by the authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 2. As required by Section 7 (a) of the Act, it is hereby provided:

(a) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SECTION 3. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees; and where they displace men, they shall receive the same rate of earnings as the men they displace. The Code Authority shall within ninety (90) days after the effective date of this Code, file with the Administrator a description of all occupations in the Industry in which both men and women are employed.

SECTION 4. An employer shall make payment of all wages due in lawful currency or by negotiable check therefor, payable on demand.

These wages shall be exempt from any payments for pensions, insurance, or sick benefits other than those voluntarily paid by the wage earners, or required by the law. Wages shall be paid at least at the end of every two weeks' period and salaries at least at the end of every month. No employer shall withhold wages except for legal cause. The employer or his agents shall accept no rebates directly or indirectly on such wages nor give anything of value or extend favors to any person for the purpose of influencing rates of wages or the working conditions of his employees.

SECTION 5. No provision in this Article shall modify established practices or privileges as to vacation periods, leaves of absence or temporary absences from work heretofore granted to office employees.

SECTION 6. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within three months after the effective date of this Code.

SECTION 7. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge for the purpose of defeating the purposes or provisions of the Act or of this Code.

SECTION 8. No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than as imposed by this Code.

SECTION 9. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

SECTION 10. No employer subject to this Code shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of this Code.

#### ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

SECTION 1. A Code Authority is hereby established to administer and facilitate the enforcement of this Code.

SECTION 2. (a) During the period not to exceed thirty (30) days following the approval of the Code, the Board of Directors of the Association shall constitute a temporary Code Authority, and the Administrator may, at his discretion, appoint from one (1) to three (3) additional members, without vote.

(b) Within said thirty (30) day period the permanent Code Authority shall be elected and organized at a meeting called by Temporary Code Authority, of which all known members of the Industry shall be advised by notices mailed at least fifteen (15) days in advance of said meeting.

The permanent Code Authority shall consist of three (3) members of the Association, who shall be elected by the members thereof; one (1) member of the Industry, who shall be elected by the non-association members of the Industry, provided such representation is

desired. The Administrator may, at his discretion, appoint from one (1) to three (3) additional members, without vote.

(c) Action at any Industry meeting for the election of Code Authority shall be by majority vote of the members of the Industry entitled to vote as hereinafter provided, who are present in person or by proxy duly executed and filed with Code Authority, each such member to have one vote. Action for all other purposes, including the adoption of Code revision, amendments or supplements, shall be by majority vote of eligible members of the Industry either in person, by mail or by proxy.

SECTION 3. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

SECTION 4. If the Administrator shall determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

SECTION 5. 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code:

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the Expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to par-

ticipate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

SECTION 6. In addition to information required to be submitted to the Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency.

#### ARTICLE VII—OPEN PRICE

SECTION 1. Each member of the Industry shall file with a confidential and disinterested agent of the Code Authority or, if none, then with such an agent designated by the Administrator, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this article referred to as "price terms", which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all such standard products of the industry as are sold or offered for sale by said member and for such non-standard products of said member as shall be designated by the Code Authority. Said price terms shall in the first instance be filed within thirty days after the date of approval of this provision. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the industry and to all their customers who have applied therefor and have offered to defray the cost actually incurred by the Code Authority in the preparation and distribution thereof and be available for inspection by any of their customers at the offices of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members of the Industry and their customers as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid thirty day period after the approval of this Code. The Code Authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the Administrator. Upon request the Code Authority shall furnish to the Administrator or any duly designated agent of the Administrator copies of any such lists or revisions of price terms.

SECTION 2. When any member of the Industry has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

SECTION 3. No member of the Industry shall sell or offer to sell any products of the Industry, for which price terms have been filed pursuant to the provisions of this Article, except in accordance with such price terms.

SECTION 4. No member of Industry shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the Industry to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this Article to create.

#### ARTICLE VIII—TRADE PRACTICES

It shall be an unfair method of competition and a violation of this Code for any member of the Industry to engage in any of the following practices:

SECTION 1. To allow more than one (1%) percent off for cash in ten (10) days from date of shipment; nor more than 30 days net; provided that machines for resale or rental purposes listing for not to exceed \$75.00, may be discounted for cash 10th proximo. It is further provided, that terms not exceeding four (4) months net may be made to charitable and nontaxpaying institutions, schools, hospitals, and religious institutions.

SECTION 2. To manufacture any machine without putting on a serial number, and an identification mark, or marks, sufficient to properly identify the date and origin of manufacture.

SECTION 3. To obliterate, remove, damage, destroy, or tamper with or alter in any manner any identification marks in any manner whatsoever on any of the products of the Industry, including manufacturer's rating of power unit.

SECTION 4. To classify or sell at reduced price any machinery and/or equipment as demonstrating machinery and/or demonstrating equipment unless that member of the industry notifies the Code Authority on the date he placed such machinery and/or equipment in demonstrating service with all the identification marks appearing on such machinery and/or equipment, and keeps same in demonstrating service for one hundred eighty (180) days before he sells such machinery and/or equipment.

SECTION 5. To allow on deferred payment for machinery and/or equipment listing not to exceed seventy-five (\$75.00) dollars, terms of less than 10% down payment; and machinery and equipment listing for more than seventy-five (\$75.00) dollars, terms of less than twenty-five percent (25%) down payment and a period of payment longer than twelve (12) months on the balance or to allow said balance to be paid on less favorable terms to purchaser than on equal monthly installments plus not more than legal rate of interest and carrying charge added to such partial payments.

SECTION 6. That any member of the Industry shall require the purchase or lease of any goods as a prerequisite to the purchase or lease of any other goods.

SECTION 7. To engage in fictitious or blind bidding for the purpose of deceiving competitors or purchasers, or attempt through connivance to have all bids rejected to the end that a more advantageous position may be secured by such member in new bidding.

SECTION 8. To usurp design, styles, or patterns originated by a competitor and appropriate them for one's own use within five (5) years after such origination. This section does not affect a member's rights under the patent and trade-mark laws.

SECTION 9. To imitate the trade marks, trade names, or other marks of identification of competitors, having the tendency or capacity to mislead or deceive purchasers or prospective purchasers. This section does not affect a member's rights under the patent and trade-mark laws.

SECTION 10. To issue false invoices or other documents covering sales in which the prices, terms, discounts, allowances, or other facts relating to the transaction are in any manner falsely stated.

SECTION 11. To discriminate in prices between purchasers of the same class under similar conditions except for differences in the grade, quality, or quantity purchased.

SECTION 12. To agree to conditions or terms of sale, or making promises of any nature which manifestly cannot be fulfilled.

SECTION 13. To quote a total price on any schedule of supplies and machinery which does not show unit prices and making any addition or deduction on any other basis than the unit price shown.

SECTION 14. *Commercial Bribery.*—No member of the Industry shall give, permit to be given or directly or indirectly, offer to give anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party without the knowledge of such employer, principal or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

SECTION 15. To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other misrepresentations with the tendency or capacity to mislead and deceive purchasers or prospective purchasers.

SECTION 16. To offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, for the purpose of influencing a sale, nor shall any member extend to any customer any special service or privilege not extended to all customers of the same class.

SECTION 17. *Trade-in Allowances.*—Within thirty (30) days from the effective date of this Code each member of the Industry shall file with the Code Authority a schedule of his trade-in allowances on machines of his own manufacture which shall establish the maximum trade-in allowances of such machines. Such schedules may be revised from time to time by filing same with the Code Authority. The Code Authority shall advise all members of the Industry of these prices, which prices shall become effective immediately upon filing.

It shall be unfair trade practice for any member of the Industry to make any trade-in allowance in excess of these prices.

#### ARTICLE IX—COSTS AND PRICE CUTTING

SECTION 1. The standards of fair competition for the industry with reference to pricing practices are declared to be as follows:

(a) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the Industry or of any other Industry or the customers of either may at any time complain to the Code Authority that any filed price constitutes unfair competition as destructive price cutting, imperiling small enterprise or tending toward monopoly or the impairment of code wages and working conditions. The Code Authority shall within five (5) days afford an opportunity to the member filing the price to answer such complaint and shall within fourteen (14) days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of NRA which shall render a report and recommendation thereon to the Administrator.

(b) When no declared emergency exists as to any given product, there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.

(c) When an emergency exists as to any given product, sale below the stated minimum price of such product, in violation of Section 2 hereof, is forbidden.

SECTION 2. *Emergency Provisions.*—(a) If the Administrator, after investigation shall at any time find both (1) that an emergency has arisen within the Industry adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product within the Industry for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Code Authority may cause an impartial agency to investigate costs and to recommend to the Administrator a determination of the stated minimum price of the product affected by the emergency and thereupon the Administrator may proceed to determine such stated minimum price.

(b) When the Administrator shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, he shall publish such price. Thereafter, during such stated period, no member of the Industry shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Code Authority may recommend review or reconsideration or the Administrator may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

SECTION 3. *Cost Finding.*—The Code Authority shall cause to be formulated methods of cost finding and accounting capable of use by



all members of the Industry, and shall submit such methods to the Administrator for review. If approved by the Administrator, full information concerning such methods shall be made available to all members of the Industry. Thereafter, each member of the Industry shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Code Authority, any agent thereof, or any member of the Industry to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

#### ARTICLE X—EXPORT TRADE

No provisions of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export trade.

#### ARTICLE XI—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act and specifically but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

SECTION 2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the President.

#### ARTICLE XII—OTHER INDUSTRIES

If any employer in this Industry is also an employer in any other Industry, the provisions of this Code shall apply to and affect only that part of the business of such employer which is a part of the Industry covered by this Code.

#### ARTICLE XIII—MONOPOLIES

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress or discriminate against small enterprises.

#### ARTICLE XIV—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases should be delayed and that, when made, the same should, so far as possible, be limited to actual increases in the seller's costs.

## ARTICLE XV—EFFECTIVE DATE

This Code shall become effective ten (10) days after its approval by the President.

Approved Code No. 526.  
Registry No. 1399-66.



Approved Code No. 527

**CODE OF FAIR COMPETITION**

FOR THE

**METAL HOSPITAL FURNITURE MANUFACTURING  
INDUSTRY**

As Approved on October 23, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE METAL HOSPITAL  
FURNITURE MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Metal Hospital Furniture Manufacturing Industry, and hearing having been duly held thereon; and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise; does hereby incorporate by reference said annexed report and does find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and does hereby order that said Code of Fair Competition be and it is hereby approved.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 23, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Metal Hospital Furniture Manufacturing Industry, a hearing having been conducted thereon in Washington, D. C., August 4, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### PROVISIONS AS TO HOURS AND WAGES

The maximum hours are established in this Code as follows: All employees, except employees engaged in an executive, managerial or supervisory capacity who receive thirty-five dollars (\$35.00) per week or more and outside salesmen or watchmen—forty (40) hours in any one week, or eight (8) hours in any twenty-four (24) hour period and six (6) days in any seven (7) day period; watchmen—fifty-six (56) hours per week, and one day of rest in every seven (7) day period. The maximum hour provisions shall not apply to the following: Employees on emergency maintenance or emergency repair work involving breakdowns or protection of life or property, but in any such special case at least one and one-half (1½) times their regular rate shall be paid for hours worked in excess of eight (8) hours in any twenty-four (24) hour period or forty (40) hours in any one week; employees for six (6) weeks in any twenty-six (26) weeks period during which overtime shall not exceed eight (8) hours in any one week nor shall any employee be permitted to work in excess of nine (9) hours in any twenty-four (24) hour period; provided that at least one and one-half (1½) times the regular rate shall be paid for hours worked in excess of eight (8) hours in any twenty-four (24) hour period of forty (40) hours in any seven day period. No employer shall permit any employee to work for any time which when totaled with that already performed for another employer, or employers, exceeds the maximum permitted herein.

The minimum wages are established in this Code as follows: All employees, except clerical or office employees—forty cents (40¢) per hour; clerical and office employees—fifteen dollars (\$15.00) per week. These minimum rates of pay shall apply irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis and female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees. Employees whose earning capacity is limited because of age or physical or mental handicap or other infirmity may be employed on light work at a wage below the minimum established by this Code if such employer shall obtain from the State authority designated by the United States Department of Labor a certificate authorizing his

employment at such wages and for such hours as shall be stated in the certificate.

The employment of any person under sixteen (16) years of age is prohibited, with a further provision that no person under eighteen (18) years of age may be employed in any occupation hazardous in nature or dangerous to health.

#### GENERAL STATEMENT

This Industry consists of companies which manufacture for sale, and sale by the manufacturer, of metal hospital furniture commonly used in hospitals or similar institutions and/or by physicians or surgeons.

There are approximately thirty-six manufacturers in the Industry, which number has been constant since 1928. The estimated number of employees reached a peak in 1930 with 2,370, and a low in 1933 with 1,940, a decrease of about 18 percent. The estimated aggregate invested capital decreased from a peak of \$6,990,000 in 1930 to a low of \$6,638,000 in 1933, a decrease of about 5.1 percent. The highest volume of sales was recorded in 1928 with \$8,124,000, which volume dropped to \$5,411,000 in 1933, a decrease of about 33 percent.

The estimated production capacity has decreased by about 16 percent during the past five years.

#### FINDINGS

The Assistant Deputy Administrator in his final report on said Code having found as herein set forth and on the basis of all the proceedings in this matter;

It is found that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by including and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, therefore, the National Industrial Recovery Board has approved this Code.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 23, 1934.

# CODE OF FAIR COMPETITION FOR THE METAL HOSPITAL FURNITURE MANUFACTURING INDUSTRY

## ARTICLE I—PURPOSE

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Metal Hospital Furniture Manufacturing Industry, and upon approval its provisions shall be the standards of fair competition for such Industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

SECTION 1. The term "Metal Hospital Furniture Manufacturing Industry" or "Industry" as used herein includes the manufacture for sale and sale by the manufacturer of metal hospital furniture commonly used in hospitals or similar institutions and/or by physicians or surgeons.

SECTION 2. The term "Member of the Industry" as used herein includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the Industry, either as an employer or on his or its own behalf.

SECTION 3. The term "employee" as used herein includes any and all persons engaged in the Industry, however compensated, except a member of the Industry.

SECTION 4. The term "employer" as used herein includes anyone by whom such employee is compensated or employed.

SECTION 5. The term "association" as used herein shall mean the Association of Manufacturers of Metal Hospital Furniture, or its successor.

SECTION 6. The terms "President", "Act", and "Administrator" as used herein mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

SECTION 7. The term "Confidential Agent" or "Agent" of the Code Authority, as used herein, is defined to mean the person as designated by the Code Authority. Said Agent, in order to qualify as such, shall be entirely free from any interest in or connection with any company engaged in the manufacture or sale of the products of the Industry.

SECTION 8. The term "Code Authority" as used herein means the agency which is to administer this Code as hereinafter provided.

## ARTICLE III—HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours in any one week, or eight (8) hours in any twenty-four (24) hour period, except as herein otherwise expressly provided.

No employee shall be permitted to work more than six (6) days in any seven (7) day period.

SECTION 2. The maximum hours fixed in Section 1 shall not apply to employees engaged in an executive, managerial or supervisory capacity, who receive \$35.00 per week or more, and outside salesmen.

SECTION 3. The maximum hours fixed in Section 1 shall not apply to employees or emergency maintenance or emergency repair work involving breakdowns or protection of life or property, but in any such special case at least one and one-half ( $1\frac{1}{2}$ ) times their regular rate shall be paid for hours worked in excess of eight (8) hours in any twenty-four (24) hour period or forty (40) hours in any one week.

SECTION 4. The maximum hours fixed in Section 1 shall not apply to employees for six (6) weeks in any twenty-six (26) weeks period during which time overtime shall not exceed eight (8) hours in any one week nor shall any employee be permitted to work in excess of nine (9) hours in any twenty-four (24) hour period except that in any case of emergency any employee may work longer than the maximum hours of labor prescribed in this Article; provided that at least one and one-half ( $1\frac{1}{2}$ ) times the regular rate shall be paid for hours worked in excess of eight (8) hours in any twenty-four (24) hour period or forty (40) hours in any seven day period.

SECTION 5. No employer shall permit any employee to work for any time which when totaled with that already performed for another employer, or employers, exceeds the maximum permitted herein.

SECTION 6. Watchmen shall be permitted to work not in excess of fifty-six (56) hours per week, provided, that they shall be given one day of rest in every seven (7) day period.

SECTION 7. Employers who personally perform manual work or who are engaged in mechanical operations in connection with the manufacture of products of the Industry shall not exceed the prescribed maximum hours.

#### ARTICLE IV—WAGES

SECTION 1. No employee shall be paid in any pay period less than at the rate of 40 cents per hour, except as herein otherwise provided.

SECTION 2. No clerical or office employee shall be paid in any pay period less than at the rate of \$15.00 per week.

SECTION 3. This Article establishes minimum rates of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

SECTION 4. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 5. A person whose earning capacity is limited because of age or physical or mental handicap or other infirmity may be employed on light work at a wage below the minimum established by this Code if such employer shall obtain from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file monthly with the Code Authority a list of all such persons em-



ployed by him, showing the wages paid to, and the maximum hours of work for, such employee.

SECTION 6. Equitable adjustment of compensation of all employees receiving more than the minimum rates of pay shall be made by all employers who have not heretofore made such adjustments, and all employers shall within thirty days after approval of this Code, report in full to the Code Authority concerning such adjustments whether made prior to or subsequent to such approval, provided, however, that in no event shall hourly rates of pay be reduced, irrespective of whether compensation is actually paid on an hourly, weekly, or other basis, nor shall any wages be at less than the minimum rates herein provided.

SECTION 7. This article establishes rates of pay which shall be exempt from any charge, fine and/or deduction by the employer, except such charges or deductions required by State or Federal Law.

SECTION 8. The employer shall make payments of all wages due in lawful currency or by negotiable check therefor, payable on demand. These wages shall be exempt from any payments for pensions, insurance or sick benefits other than those voluntarily paid by the wage earners, or required by State or Federal Law. Wages shall be paid at least by the end of every two week period, and salaries shall be paid at least at the end of every month. No employer shall withhold wages. The employer or his agents shall accept no rebates directly or indirectly on such wages, nor give anything of value or extend favors to any person for the purpose of influencing rates of wages or the working conditions of his employees.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. (a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing, and

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SECTION 2. No persons under sixteen (16) years of age shall be employed in the Industry. No persons under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall submit to the Administrator for approval before January 1, 1935, a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision as to age if he shall have on file a valid certificate or permit duly signed by the

Authority in such State empowered to issue employment or age certificates or permits, showing that the employee is of the required age.

SECTION 3. Employers shall not re-classify employees, or duties of occupations performed, or engage in any other subterfuge so as to defeat the purposes of the Act or this Code.

SECTION 4. Within ten (10) days after the effective date of this Code, each employer shall post, and keep posted, in conspicuous places accessible to employees full copies of this Code and any amendments or modifications which may later be approved in accordance with Executive Orders and/or regulations thereof. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

SECTION 5. Every employer shall make provision for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within three (3) months after the effective date of the Code.

SECTION 6. No employee shall be dismissed or demoted by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

SECTION 7. No provision in the Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

#### ARTICLE VI—ORGANIZATION, POWERS, AND DUTIES OF THE CODE AUTHORITY

SECTION 1. (a) During the period not to exceed thirty (30) days following the effective date of this Code, the Code Committee of the Association of Manufacturers of Metal Hospital Furniture shall constitute a temporary Code Authority until the Code Authority is elected. There shall be constituted within the thirty (30) day period a Code Authority consisting of six (6) members, to be elected by the members of the Industry at a meeting called by the temporary Code Authority. Notice of such meeting shall be sent by registered mail to all known members of the Industry, whose names shall have been ascertained after diligent search by the Association of Manufacturers of Metal Hospital Furniture, such notice to be mailed to all known members of the Industry at least fifteen (15) days prior to the date on which such meeting is to be held.

(b) The members of the Code Authority shall be elected in the following manner:

1. Only those members of the Industry who agree to pay their reasonable share of the expenses of the administration of this Code shall be entitled to vote in the election of the Code Authority.

2. Six (6) members of the Industry shall be elected members of the Code Authority by a majority vote of all known members of the Industry, present in person or by proxy, each member to have one vote; said election to be subject to the approval of the Administrator. At least one member of the Code Authority shall be a non-

member of the Association of Manufacturers of Metal Hospital Furniture, provided, however, that such a non-Association member of the Industry is available and willing to serve.

3. The members so elected to the Code Authority shall serve for a period of one (1) year from the date of election, and thereafter members of the Code Authority shall be elected by members of the Industry, as provided in Paragraph 2 of Subsection (b) of this Section, at a meeting called by the Code Authority not less than thirty (30) days prior to the expiration date of the current term of office of the Code Authority.

4. A vacancy in the membership of the Code Authority shall be filled by a majority vote of the remaining members of the Code Authority; provided, however, that the vacancy to be filled shall be subject to the provision that at least one member of the Code Authority shall be a non-member of the Association of Manufacturers of Metal Hospital Furniture, if such a member is available and willing to serve.

(c) In addition thereto, the Administrator in his discretion may appoint not more than three members of the Code Authority, without votes, for such terms as he may prescribe.

SECTION 2. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 3. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter, if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Code Authority.

SECTION 4. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or non-feasance.

SECTION 5. If the Administrator shall at any time determine that any action of the Code Authority or any agency thereof may be unfair, unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

## POWERS AND DUTIES

SECTION 6. Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code.

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the Industry with the provisions of the Act.

(b) To adopt bylaws and rules and regulations for its procedure.

(c) To obtain from members of the Industry such information and reports as are required for the Administration of the Code. In addition to information required to be submitted to the Code Authority, members of the industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agencies as may be directed by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To recommend to the Administrator any action or measures deemed advisable, including further fair trade practice provisions to govern members of the Industry in their relations with each other or with other industries; measures for industrial planning, and stabilization of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearing as he may specify.

(f) To appoint a Trade Practice Committee which shall meet with the trade practice committees appointed under such other codes as may be related to the Industry for the purpose of formulating fair trade practices to govern the relationships between employers under this Code and under such other codes to the end that such fair trade practices may be proposed to the Administrator as amendments to this Code and such other Codes.

(g) To provide appropriate facilities for arbitration, and subject to the approval of the Administrator, to prescribe rules of procedure and rules to effect compliance with awards and determinations.

(h) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to or affect members of the Industry.

SECTION 7. 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution, as above set forth, by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided (unless duly exempted from making such contributions), shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

#### ARTICLE VII—OPEN PRICE FILING

SECTION 1. Each member of the Industry shall file with a confidential and disinterested agent of the Code Authority or, if none, then with such an agent designated by the Administrator, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this Article referred to as "price terms", which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all such standard products of the Industry as are sold or offered for sale by said member and for such nonstandard products of said member as shall be designated by the Code Authority. Said price terms shall in the first instance be filed within ten (10) days after the date of approval of this provision. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions, together with the effective time thereof, shall upon receipt be

immediately and simultaneously distributed to all members of the Industry and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the Code Authority in the preparation and distribution thereof and be available for inspection by any of their customers at the office of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members of the Industry and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid ten (10) days period after the approval of this code. The code authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the Administrator. Upon request the code authority shall furnish to the Administrator or any duly designated agent of the Administrator copies of any such lists or revisions of price terms.

SECTION 2. When any member of the Industry has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

SECTION 3. No member of the Industry shall sell or offer to sell any products of the Industry, for which price terms have been filed pursuant to the provisions of this article, except in accordance with such price terms.

SECTION 4. No member of the Industry shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the industry to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this Article to create.

#### ARTICLE VIII—COSTS AND PRICE CUTTING

SECTION 1. The standards of fair competition for the Industry with reference to pricing practices are declared to be as follows:

(a) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the Industry or of any other Industry or the customers of either may at any time complain to the Code Authority that any filed price constitutes unfair competition as destructive price cutting, imperiling small enterprise, or tending toward monopoly or the impairment of code wages and working conditions. The Code Authority shall within 5 days afford an opportunity to the member filing the price to answer such complaint and shall within 14 days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of N. R. A., which shall render a report and recommendation thereon to the Administrator.

(b) When no declared emergency exists as to any given product there is to be no fixed minimum basis for prices. It is intended that sound cost-estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.

(c) When an emergency exists as to any given product, sale below the stated minimum price of such product in violation of Section 2 hereof is forbidden.

SECTION 2. (a) If the Administrator, after investigation, shall at any time find both (1) that an emergency has arisen within the Industry adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions, which tend to defeat the purposes of the Act, and (2) that the determination of the stated minimum price for a specified product within the industry for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Code Authority may cause an impartial agency to investigate costs and to recommend to the Administrator a determination of the stated minimum price of the product affected by the emergency, and thereupon the Administrator may proceed to determine such stated minimum price.

(b) When the Administrator shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, he shall publish such price. Thereafter, during such stated period, no member of the Industry shall sell such specified products at a net realized price below said stated minimum price, and any such sale shall be deemed destructive price cutting. From time to time the Code Authority may recommend review or reconsideration or the Administrator may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

SECTION 3. *Cost Finding*.—The Code Authority shall cause to be formulated methods of cost finding and accounting capable of use by all members of the Industry, and shall submit such methods to the Administrator for review. If approved by the Administrator, full information concerning such methods shall be made available to all members of the Industry. Thereafter, each member of the Industry shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Code Authority, any agent thereof, or any member of the Industry to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

#### ARTICLE IX—TRADE PRACTICE RULES

RULE 1. No member of the Industry shall publish advertising (whether printed, radio, display, or of any other nature) which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including but without limitation its use, trade mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

RULE 2. No member of the Industry shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

RULE 3. No member of the Industry shall brand or mark or pack any goods in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity,

origin, size, substance, character, nature, finish, material, content, or preparation of such goods.

**RULE 4.** No member of the Industry shall defame a competitor by falsely imputing to him dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representation, or by falsely disparaging the grade or quality of his goods.

**RULE 5.** No member of the Industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

**RULE 6.** No member of the Industry shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall a member of the Industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class for the purpose of influencing a sale.

**RULE 7.** No member of the Industry shall give, permit to be given or offer to give anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

**RULE 8.** No member of the Industry shall wilfully induce or attempt to induce the breach of existing contracts between competitors and their customers by any false or deceptive means, or interfere with or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of hampering, injuring, or embarrassing competitors in their business.

**RULE 9.** No member of the Industry shall require that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

**RULE 10.** No member of the Industry shall use or substitute or sell any article or material other than that specified by the purchaser of any product without clearly defining such substitutions.

**RULE 11.** No member of the Industry shall imitate or manufacture any design, style, work, or brand of any member of the Industry which shall have been registered with the Association. Such procedure of registration shall be prepared by the Code Authority, and shall be subject to approval by the Administrator.

**RULE 12.** No member of the Industry shall fail to put the manufacturer's name or trade mark, or other mark of identification, on all products manufactured within the Industry.

#### ARTICLE X—EXPORT TRADE

**SECTION 1.** No provision of this Code relating to prices or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade. "Export Trade" shall be as defined in the Export Trade Act adopted April 10, 1918.



## ARTICLE XI—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act.

SECTION 2. Such of the provisions of this Code as are not required to be included herein by the Act may, with the approval of the Administrator, be modified or eliminated in such manner as may be indicated by the needs of the public, by changes in circumstances, or by experience. All the provisions of this Code, unless so modified or eliminated, shall remain in effect until June 16, 1935.

## ARTICLE XII—MONOPOLIES. ETC.

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

## ARTICLE XIII—EFFECTIVE DATE

This Code shall become effective on the tenth day after its approval.

Approved Code No. 527.

Registry No. 1121—01.



Approved Code No. 528

**CODE OF FAIR COMPETITION**  
FOR THE  
**PECAN SHELLING INDUSTRY**

As Approved on October 23, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE PECAN SHELLING  
INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Pecan Shelling Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said code complies in all respects with the pertinent provisions and will promote the policies and purposes of said title of said act; and does hereby order that said Code of Fair Competition be and it is hereby approved; provided, that with respect to Article IV, Sections 1, 2, and 3, an investigation shall be made by persons to be designated by the National Industrial Recovery Board relative to the status of the Industry and its scale of wage rates, and a report thereon rendered within one hundred and twenty (120) days after the effective date of this Code.

**NATIONAL INDUSTRIAL RECOVERY BOARD,**  
By **G. A. LYNCH**, *Administrative Officer*.

Approval recommended:

**ARMIN W. RILEY,**  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 23, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT.

*The White House.*

SIR: This is the report of the National Industrial Recovery Board on the Public Hearing of the Code of Fair Competition for the Pecan Shelling Industry, held on November 27 and 28, 1933, in Washington, D. C., in accordance with the provisions of the National Industrial Recovery Act, and the Executive Order dated June 26, 1933.

### GENERAL

The functions of the industry include the processing of pecans from their natural state by cracking, shelling, cleaning and preparing for market the meats or kernels of said pecans and the sale thereof by the processors and shellers. It does not include individual farmers selling meats, or kernels of pecans, grown or gathered by them.

This Code is applicable to all individuals and firms engaged in the industry as described above. Seedling pecans grow in a wide area of the mid-south, Gulf and southeastern states comprising Alabama, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, and Texas. In the years 1928 to 1933, inclusive, from 65 to 84 per cent of the seedling pecans were grown in Oklahoma and Texas. The remainder was produced in states bordering the lower Mississippi and southeastern states. Total United States production ranged from 49,620,000 pounds to 56,793,000 pounds in the years 1928 to 1932. The five year average for the period was 46,400,000 pounds. Production in 1933 was 45,718,000 pounds.

The annual value of the crop decreased from \$5,907,000 in 1928 to \$1,998,000 in 1932. The five year average for 1928 to 1932 was \$4,001,600; the 1933 crop was valued at \$2,729,000.

The proponent of this Code is the National Pecan Shellers Association, representing in excess of fifty per cent of the volume of processed pecans in the entire industry.

Statistical information is incomplete; however, the industry estimated the number of employees employed annually at from 10,000 to 15,000, dependent on the size of the crop.

The estimated increase in employment in the South due to maximum hours permitted in the Code is 30%; that in the North will be considerably less. The estimated increase in the weekly payroll in the South will be approximately \$23,619.00 or 45.9%. In the North the increase will not be so great, since prevailing wages in the industry have been considerably higher than in the South.

### ADMINISTRATION

The Code Authority will consist of five members; they are to be selected in a manner which is deemed to assure its representative

nature. Provision is made for the necessary expenses of the Code Authority in its administration of the Code.

#### PROVISIONS AS TO HOURS

All employees are on a forty hour week with the following exceptions: Exemption from hours is granted to executive, supervisory, technical, and administrative employees, receiving regularly \$35.00 per week or more; outside salesmen and outside buyers; to employees engaged in emergency repair work provided at least time and one-third is paid for all hours worked in excess of the daily and weekly maxima; firemen and engineers are restricted to forty-four hours, watchmen to fifty-six, and there is a six weeks' peak period in which general employees may be permitted to work forty-eight hours per week with an eight hour daily limitation, while receiving and shipping crews may work forty-eight hours per week with a ten-hour daily limitation.

#### PROVISIONS AS TO WAGES

The minimum wages in the Code are as follows:

	Clerical workers	Plant workers	Watchmen
North	\$16.00 per week	\$16½ per hour, or \$6.00 per week	\$16.00 per week
South	\$16.00 per week	\$15 per hour, or \$6.00 per week	\$16.00 per week

Minimum rates of pay are guaranteed under this Code, irrespective of whether compensated on a time rate or piece work basis. Minimum rates may be revised by The National Industrial Recovery Board within six months after the effective date of the Code. Provision is made for the maintenance of fair differentials and wage adjustments; the employment of physically handicapped persons on light work; the posting of labor provisions and the maintenance of health and safety standards. Child labor is prohibited; no person under 18 years of age may be employed in a dangerous occupation.

The Deputy Administrator in his final report to us on said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said industry normally employs not more than 50,000 employees; and is not classified by us as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For the above reasons we have approved this Code.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 23, 1934.

# CODE OF FAIR COMPETITION FOR THE PECAN SHELLING INDUSTRY

## ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Pecan Shelling Industry, and its provisions shall be the standards of fair competition for such industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

SECTION 1. The term "Pecan Shelling Industry" as used herein includes the processing of seedling pecans (exclusive of paper shell pecans) from their natural state by cracking, and/or shelling, and/or cleaning, and/or preparing for market the meats or kernels of said pecans and the sale thereof by the processors and/or shellers. It shall not include individual farmers selling meats, or kernels of pecans, grown and/or gathered by them.

SECTION 2. The term "member of the industry" or "member" as used herein includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the industry, either as an employer or on his or its own behalf.

SECTION 3. The term "employee" as used herein includes any and all persons engaged in the Pecan Shelling Industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation, except a member of this industry.

SECTION 4. The term "employer" as used herein includes anyone by whom such employee is compensated or employed.

SECTION 5. The terms "President", "Act", and "Administrator" as used herein mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

SECTION 6. The term "state" as used herein includes territories and the District of Columbia.

SECTION 7. The term "affiliate" as used herein includes any person who has, either directly or indirectly, actual or legal control of or over a member of the industry, whether by stock ownership or in any other manner.

SECTION 8. The term "subsidiary" as used herein includes any person of or over whom, a member of the industry has, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

SECTION 9. The term "watchman" as used herein includes any employee whose primary function is watching and guarding the premises and property of the establishment.

SECTION 10. The term "outside salesman" as used herein means any salesman who performs primarily selling functions away from the establishment of his employers, and who does not regularly deliver.

SECTION 11. The term "shop crews" as used herein means experienced employees who tend machines, prepare goods for piece workers, and attend to drying.

SECTION 12. The term "Southern Area" as used herein means the states of Virginia, Kentucky, South Carolina, North Carolina, Mississippi, Louisiana, Texas, Georgia, Florida, Alabama, Tennessee, Arkansas, and Oklahoma.

#### ARTICLE III—HOURS

SECTION 1. No employee shall be permitted to work in excess of forty (40) hours in any one week, or six (6) days in any seven (7) day period, or eight (8) hours in any twenty-four (24) hour period, with the following exceptions:

(a) For a period not to exceed six (6) weeks (such weeks not necessarily consecutive) during the months of September, October, November, December and January, employees may be permitted to work not in excess of forty-eight (48) hours in any seven (7) day period nor in excess of eight (8) hours in any twenty-four (24) hour period, except that shop crews, receiving and shipping crews may be permitted to work not in excess of ten (10) hours in any twenty-four (24) hour period, provided that all hours in excess of eight (8) shall be paid for at the rate of not less than time and one-third:

(b) Executive, supervisory, technical and administrative employees, provided they receive regularly thirty-five dollars (\$35.00) or more per week; also outside salesmen and outside buyers;

(c) Watchmen (except while engaged in performing any operating function), provided that no such watchman shall be permitted to work more than fifty-six (56) hours per week;

(d) Firemen and engineers, provided they shall not be permitted to work more than forty-four (44) hours per week;

(e) Employees on emergency maintenance or emergency repair work, provided that any such employee working in excess of eight (8) hours in any twenty-four (24) hour period or forty (40) hours in any one week (forty-eight (48) hours during the six weeks' period in September, October, November, December and January) shall be compensated at the rate of not less than time and one-third, and reports shall be made monthly to the Code Authority stating the number of hours so worked in excess of the maximum hours herein provided.

#### ARTICLE IV--WAGES

SECTION 1. No clerical, accounting or other office employee shall be paid at a rate of less than sixteen dollars (\$16.00) per week.

SECTION 2. No watchman shall be paid at a rate of less than sixteen dollars (\$16.00) per week.

SECTION 3. No other employee shall be paid less than at the rate of sixteen and one-half cents (16½¢) per hour, except that in the southern area they shall be paid at a rate of not less than fifteen cents (15¢) per hour.



SECTION 4. The minimum rates of pay established in this Article may be revised by the Administrator within six months after the effective date of this Code upon such notice and opportunity to be heard as he may specify.

SECTION 5. This Article establishes minimum rates of pay which shall apply irrespective of whether an employee is actually compensated on a time rate, piece rate or other basis.

SECTION 6. No employer shall make any reduction in the full time weekly earnings of any employee as a result of the adoption of this Code. Each employer shall adjust the hourly wage rates upward in order that all employees shall be paid for the forty (40) hour week no less than they were receiving in the same occupation for the longer week prevailing prior to July 15, 1933. When necessary to maintain fair differentials between employees, each employer shall further adjust the hourly wage rates upward. Within sixty (60) days from the effective date of this Code, each employer shall report to the Code Authority such adjustments in wages and the Code Authority shall report the same forthwith to the Administrator.

SECTION 7. Wages shall be exempt from any charges, fines, or deductions, except for employees' voluntary contributions for pensions, insurance or benefit plans, and no employer shall withhold wages except upon service of legal process or other lawful papers lawfully requiring such withholding. Deductions for other purposes not heretofore stated may be made only when the contract is in writing and is kept on file by the employer for six months after the termination of the contract open to the inspection of government representatives.

SECTION 8. Employers shall make payment of compensation in lawful currency or by negotiable checks therefor payable on demand. All contracts of employment shall prescribe full payment of wages at least every two weeks.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under sixteen (16) years of age shall be employed in the industry in any capacity. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or detrimental to health. Within sixty (60) days after the effective date of this Code, the Code Authority shall submit a list of such occupations to the Administrator for approval. In any State an employer shall be deemed to have complied with this provision as to age, if he shall have on file a certificate or permit duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

SECTION 2. (a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to

refrain from joining, organizing, or assisting a labor organization of his own choosing, and

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SECTION 3. No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 4. Employers shall not change the method of payment of compensation, or reclassify employees or duties of occupations performed by employees or discharge employees to reemploy them at lower rates in order to defeat the purposes of the Act or the provisions of this Code, nor engage in any other subterfuge to effect the defeat of such purposes or provisions.

SECTION 5. All employers shall post and keep posted copies of the labor provisions of this Code in conspicuous places accessible to all employees. Every member of the industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Administrator.

SECTION 6. No employer shall evade the provisions or operation of this Code as to wages or hours of work, or other conditions by means of the use of affiliates or subsidiaries.

SECTION 7. Every employer shall provide for the safety and health of his employees during the hours, and at the places of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator within six months after the effective date of this Code.

SECTION 8. A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage not lower than eighty per cent (80%) of the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee. The number of such employees shall not exceed five per cent (5%) of the total number of persons employed by any employer.

## ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

### ORGANIZATION AND CONSTITUTION

SECTION 1. A Code Authority is hereby established consisting of five persons, to be selected by members of the industry in the following manner:

Within fifteen days after the effective date of this Code two members shall be selected by the National Pecan Shellers Association; two members shall be selected by the Southwestern Pecan Shellers Association; the remaining member shall be selected by the four members thus chosen from those members of the industry who are non-members of either association. In the event of the failure of the Association Members to choose such non-Association member within thirty (30) days after the effective date of the Code, then, and in that event, the Administrator shall appoint such non-Association member.

SECTION 2. The method of selection of the members of the Code Authority shall be subject to the approval of the Administrator and the terms of office of the members thereof shall be for one (1) year beginning on July 1 of each year, except that the terms of the first Code Authority shall begin on the effective date of this Code and expire on June 30, 1935. Vacancies caused by death, resignation, or otherwise shall be filled by the remaining members of the Code Authority in the same representative manner as that used in the selection of the original members.

SECTION 3. In addition to members, as above provided, there may be from one (1) to three (3) members, without vote, and without expense to the industry, to be appointed by the Administrator to serve for such terms as he may specify.

SECTION 4. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administration true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 5. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper: and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

SECTION 6. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own willful malfeasance or nonfeasance.

SECTION 7. If the Administrator shall determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he has failed to dis-

approve after thirty (30) days notice to him of intention to proceed with such action in its original or modified form.

#### POWERS AND DUTIES

SECTION 8. Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following powers and duties in addition to those authorized by other provisions of this Code:

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the industry with the provisions of the Act;

(b) To adopt by-laws and rules and regulations for its procedure;

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the industry shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate, provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the industry or any other party except to such other Governmental agencies as may be directed by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to or affect members of the industry.

(f) 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(aa) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(bb) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(cc) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinabove provided (unless duly exempted from making such contributions) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget except upon approval of the Administrator, and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

4. Any funds which the Code Authority shall have on hand, or be entitled to receive under this Code, upon the termination of this Code over and above any amount necessary to meet outstanding obligations shall at such time be returned to members of the industry pro rata in proportion to their contributions made pursuant to this Code.

(g) To recommend to the Administrator any action or measure deemed advisable, including further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries; and to recommend measures for industrial planning and stabilization of employment.

#### ARTICLE VII—TRADE PRACTICE RULES

The following practices constitute unfair methods of competition and are prohibited. Any member of the industry who shall directly, or indirectly through any officer, employee, agent or representative use, employ, or permit to be employed, any of the following unfair practices shall be guilty of a violation of the Code:

SECTION 1. No member of the industry shall publish advertising (whether printed, radio, display or of any other nature) which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any goods (including but without limitation its use, trade mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

SECTION 2. No member of the industry shall brand or mark or pack any goods in any manner which is intended to or does deceive or mislead purchasers with respect to the brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content or preparation of such goods.

SECTION 3. No member of the industry shall defame a competitor by falsely imputing to him dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false rep-

resentation, or by falsely disparaging the grade or quality of his goods.

SECTION 4. No member of the industry shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

SECTION 5. No member of the industry shall secretly offer or make any payment or allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall a member of the industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

SECTION 6. No member of the industry shall ship goods on consignment, except under circumstances to be defined by the Code Authority with the approval of the Administrator and then only when unusual circumstances of the industry require the practice.

SECTION 7. No member of the industry shall wilfully induce or attempt to induce the breach of existing contracts between competitors and their customers by any false or deceptive means, or interfere with or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of hampering, injuring or embarrassing competitors in their business.

SECTION 8. No member of the industry shall give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

SECTION 9. No member of the industry shall require that the purchase or lease of any goods be a prerequisite to the purchase or lease of any other goods.

SECTION 10. No member of the industry shall join or participate with other members of the industry, who, with such member, constitute a substantial number of members of the industry, or who together control a substantial percent of the business in any specific product or products of the industry, in any transaction known in law as a black list, including any practice or device (such as a white list), which accomplishes the purpose of a black list.

#### ARTICLE VIII—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Section 10 (b) of the Act, from time to time, to cancel or modify any order, approval, license, rule or regulation issued under the Act, and specifically, but without limitation, to the right of the President to cancel or modify his approval of the Code or any conditions imposed by him upon his approval thereof.

SECTION 2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon applications to the Administrator and such notice and hearing as he shall specify, and to become effective on approval of the President.

#### ARTICLE IX — MONOPOLIES

SECTION 1. No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

#### ARTICLE X—PRICE INCREASES

SECTION 1. Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual cost should be delayed, but when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

#### ARTICLE XI—EFFECTIVE DATE

SECTION 1. This Code shall become effective on the first Monday after the date of its approval.

Approved Code No. 528.

Registry No. 135-04.







CODE OF FAIR COMPETITION

FOR THE

PHARMACEUTICAL AND BIOLOGICAL INDUSTRY

As Approved on October 25, 1934

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ORDER

APPROVING CODE OF FAIR COMPETITION FOR THE PHARMACEUTICAL AND  
BIOLOGICAL INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Pharmaceutical and Biological Industry, and hearing having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate by reference said annexed report and does find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and does hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the Code Authority shall obtain from members of the Industry and submit to the National Industrial Recovery Board within four months after the approval of this Code, statistics indicating (a) the total number of employees for each of the past twelve months, (b) the total monthly or weekly payroll for each of the past twelve months, (c) the total man-hours for each of the past twelve months, (d) the number of employees in each wage group as shown by a frequency distribution for each of the past twelve months; and that upon the basis of such data or other information properly before the National Industrial Recovery Board, said Board may at any time after the effective date of this Code conduct such hearing as said Board deems necessary to effectuate changes in Articles III and IV of said Code, and that any order the said Board may make as a result of such hearing shall have the effect of a condition on the approval of this Code.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 25, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: This is a report on the Hearing of the Code of Fair Competition for the Pharmaceutical and Biological Industry, held in the Rose Room of the Washington Hotel on May 1, 1934. The Code, which is attached, was presented by duly qualified and authorized representatives of the Industry, complying with statutory requirements and claiming to represent eighty (80%) percent by volume of the Industry.

In accordance with the customary procedure every person who had filed a request for appearance was freely heard in public; and regulatory requirements were complied with.

### THE INDUSTRY

The Industry comprises about 144 concerns at the present time according to a list compiled by the Code Committee after a diligent search. In 1929, by Census figures, there were 429 concerns more than three-fourths of which were very small, employing less than 20 workers per firm. The invested capital of the Industry is estimated at \$150,000,000. The annual sales of 70 reporting concerns fell from \$110,000,000 in 1928 to \$92,000,000 in 1932 and \$39,000,000 in the first half of 1933. In 1929 there were approximately 14,600 persons employed in the Industry, of which nearly 11,000 were wage earners.

### PROVISIONS OF THE CODE

The Code provides a basic work week of 40 hours which is a reduction in working time of ten (10%) percent from the 1929 working hours. It is believed that the 40-hour week will maintain employment at or slightly higher than the 1929 figure.

The basic minimum hourly rate of 35¢ per hour will provide minimum weekly earnings slightly higher than those existing in 1929. Payrolls should be brought up to approximately ninety (90%) percent of the 1929 level, and purchasing power should be about equal to the 1929 level.

There are no trade practice provisions in the Code, but the Code Authority is instructed to make a study to determine if such provisions are necessary and, if so, to propose them as amendments to the Code.

### FINDINGS

The Deputy Administrator in his final report on said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The Board finds that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervisions, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant group is an industrial group truly representative of the aforesaid Industry; and that said group imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, this Code of Fair Competition for the Pharmaceutical and Biological Industry has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 25, 1934.

# CODE OF FAIR COMPETITION FOR THE PHARMACEUTICAL AND BIOLOGICAL INDUSTRY

## ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Pharmaceutical and Biological Industry, and shall be the standard of fair competition for such Industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

SECTION 1. (a) The term "Pharmaceutical and Biological Industry" as used herein shall mean the Industry each member of which is engaged in the manufacture and/or in having manufactured for him under his own brand and specifications, and/or in importing in packages for resale, and/or in packaging from bulk materials under his name or brand, and/or the original sale of pharmaceutical and/or biological products for human and animal use and principally intended for direct use by or upon prescription of physicians, veterinarians or dentists.

(b) This definition does not include any retailer operating under a retail code who performs any of the acts specified herein solely for the purpose of sale at retail to his own customers, and not for the purpose of sale to other distributors; provided, however, that where a retailer operates a laboratory or plant distinct from his retail operations, and employs a special group of employees to work primarily in such laboratory or plant distinct from that group of his employees who work primarily in his retail establishment, and such laboratory or plant performs any of the acts specified herein, whether for sale to such retailer's own customers or to other distributors, such retailer is subject to the provisions of this Code in respect to such laboratory or plant.

(c) This Code shall not apply to the manufacture and sale of Anti-Hog Cholera serum and Hog-Cholera Virus.

(d) The term "original sale" as used herein means the sale by a member of the Industry, subsidiary business enterprise, corporation, firm or partnership owned or controlled by such member, and the sale by an exclusive distributor or agent of such member, for resale; provided, however, this term does not include sale by wholesalers or retailers which distribute principally a general line of the products included under this Code.

SECTION 2. The term "member of the Industry" as used herein includes, but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in the Industry, either as an employer or on his or its own behalf.

SECTION 3. The term "employee" as used herein includes any and all persons engaged in the Industry, however compensated, except a member of the Industry.

SECTION 4. The term "employer" as used herein includes anyone by whom such employee is compensated or employed.

SECTION 5. The term "establishment" as used herein includes any plant, laboratory, business, branch, or department thereof engaged in this Industry.

SECTION 6. The terms "President", "Act", and "National Industrial Recovery Board" as used herein mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the National Industrial Recovery Board.

SECTION 7. *Definitions of Personnel.*—(a) The term "executive" as used herein means an employee responsible for the management of a business or a recognized subdivision thereof.

(b) The term "outside salesman" as used herein means an employee selling his employer's products or an employee calling on hospitals, physicians, dentists, and veterinarians for the purpose of promoting the use and sale of his employer's products, if such employees are engaged more than sixty percent of their time outside the establishment or branch thereof by which they are employed.

(c) The term "outside service employee" as used herein means an employee who is engaged not less than sixty (60%) per cent of his working hours in delivering, installing, and/or servicing merchandise outside of the establishment, and shall include stable and garage employees.

(d) The term "watchman" as used herein means an employee engaged primarily in safeguarding the premises and property of a member of the Industry.

(e) The term "fireman" and "engineer" as used herein shall mean employees engaged primarily in the upkeep, preservation, operation and repair of furnaces, boilers, engines, pumps, compressors, heating and ventilating equipment, electrical generating plants, or other machinery used for supplying heat, light, ventilation or power to a building, plant or office of a member of the Industry; but do not include such employees as porters, elevator operators, cleaners, or operators of machines used directly in a manufacturing process.

(f) The term "Laboratory apprentice" as used herein means a laboratory employee who has been employed in this Industry less than a total of two (2) months.

(g) The term "office apprentice" as used herein means an employee engaged in office and/or messenger work who has had less than a total of six (6) months office work experience.

(h) The term "branch house and shipping service employee" as used herein shall mean an employee engaged primarily in the receipt, filling, invoicing, shipping, and handling of orders for the products of a member of the Industry whether employed in the home office of such member or in a branch or depot thereof.

(i) The term "research and scientific worker" as used herein shall mean an employee engaged primarily in research and scientific work where special education or scientific training is essential.

(j) The term "continuous process" as used herein means a process which once begun, cannot be interrupted until completed, without spoiling the goods processed or rendering the work done valueless; and which must be attended throughout by the same individual or individuals; and which cannot be begun at a sufficiently early hour to allow of its completion within the eight (8) hour shift in which it is begun.

### ARTICLE III—HOURS

SECTION 1. No watchman, fireman, engineer, or outside service employee shall be permitted to work in excess of forty-eight (48) hours per week averaged over a consecutive two weeks' period nor in excess of twelve (12) days in any consecutive fourteen (14) days' period, except as provided in Section 5 of this Article.

SECTION 2. Except as provided in Section 5 of this Article, no branch house and shipping service employee shall be permitted to work in excess of forty-five (45) hours per week; or more than six (6) days in any consecutive seven (7) days' period; provided, however, that in the event that maximum hours other than those prescribed in this Section are established for this class of employees in a Code for the Wholesale Drug Trade, such maximum hours shall become the maximum hours in this Industry.

SECTION 3. Pharmacists, research and scientific workers and chemists actually working at their professions and executives, who receive a salary or guaranteed minimum of thirty-five dollars (\$35.00) or more per week; and outside salesmen shall be exempt from the provisions of this Article pertaining to hours of Labor.

SECTION 4. (a) No other employee shall be permitted to work in excess of forty (40) hours in any one week, nor more than eight (8) days in any twenty-four (24) hour period, nor more than six (6) days in any consecutive seven (7) days' period, except as provided in Section 5 of this Article.

(b) No employee working on continuous process shall be permitted to work in excess of twelve (12) hours in any one day or more than forty (40) hours in any one week.

SECTION 5. (a) Any employee may be permitted to work in excess of the maximum hours fixed in Sections 1, 2 and 4 of this Article provided he is paid at the rate of at least time and one-third ( $1\frac{1}{3}$ ) for all hours worked by him in excess of such maximum hours, and provided further than such overtime work shall not exceed eight (8) hours in any one week and eight (8) weeks in any one calendar year.

(b) In case of an epidemic, catastrophe, or any emergency breakdown involving protection of life or property, such employees as are necessary may be permitted to work unlimited overtime provided that such employees shall be paid at the rate of at least time and one-third ( $1\frac{1}{3}$ ) for all hours worked by him in excess of the applicable maximum fixed in Sections 1, 2, and 4 of this Article. A report of each such emergency shall be sent to the Code Authority within thirty (30) days after such emergency overtime work shall have commenced, giving such details as the Code Authority may prescribe.

SECTION 6. No employer shall knowingly permit any employee to work for any time which when totaled with that already performed with another employer or employers in this or any other industry or any trade exceeds the maximum number of hours provided herein for the class of work done by such employee.

#### ARTICLE IV—WAGES

SECTION 1. No employee shall be paid in any pay period less than at the rate of thirty-five (35¢) cents per hour, except as provided in Sections 2 and 3 of this Article.

SECTION 2. No laboratory apprentice or office apprentice shall be paid in any pay period less than at the rate of twenty-eight (28) cents per hour, provided that the total number of such employees who are actually receiving less than thirty-five (35) cents per hour shall not exceed one for every twenty (20) employees employed by any member of the Industry, but each member of the Industry shall be entitled to employ one such laboratory or office apprentice.

SECTION 3. A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by this Code, if the employer obtains from the State Authority, designated by the United States Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such Authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file each month with the Code Authority a list of all such persons employed by him showing the wages paid to, and the maximum hours of work for such employee.

SECTION 4. This Article establishes minimum rates of pay which shall apply, irrespective of whether an employee is actually compensated on a time-rate, piece-rate, or other basis.

SECTION 5. No employer shall make any reduction in the full time weekly earnings of any employee whose normal full time weekly hours are reduced by 20 percent, or less, below those existing for the four weeks ending July 1, 1933. When the normal full time weekly hours of an employee are reduced by more than said percent, the full time weekly wage of such employee shall not be reduced by more than one half of the percentage of hour reduction above said percent. In no event shall hourly rates of pay be reduced, irrespective of whether compensation is actually paid on an hourly, weekly or other basis, nor shall any wages be at less than the minimum rate herein provided.

Within 60 days of the effective date hereof, (unless such adjustment has been made theretofore) each employer shall adjust the schedules of wages of his employees in such an equitable manner as will conform to the provisions hereinabove set forth, and still preserve wage differentials reasonably proportionate to those in effect prior to the effective date of this Code.

SECTION 6. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

SECTION 7. Wages shall be paid at least twice per month in lawful currency or by negotiable check payable on demand.

#### ARTICLE V—GENERAL LABOR PROVISIONS

SECTION 1. No person under eighteen (18) years of age shall be employed in the Industry except as office boys, office girls, messengers, or in other non-hazardous occupations. No person under sixteen (16) years of age shall be employed in the Industry in any capacity. In any State any employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit, duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the age required by this Section.

SECTION 2. (a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

SECTION 3. Every employer shall provide for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the National Industrial Recovery Board within six (6) months after the effective date of this Code, and upon approval by the National Industrial Recovery Board shall become operative as a part of this Code.

SECTION 4. No employer shall reclassify employees or duties of occupations performed, or engage in any other subterfuge, so as to defeat the purposes or provisions of the Act or of this Code.

SECTION 5. No provision in this Code shall supersede any State or Federal law which imposes more stringent requirements on employers as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 6. All employers shall post and keep posted complete copies of the labor provisions of this Code in conspicuous places easily accessible to all employees. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the National Industrial Recovery Board.

SECTION 7. No employee shall be dismissed for making a complaint about, or giving evidence with respect to, an alleged violation of this Code.



SECTION 8. The hours worked by any employee, except outside salesmen, during each day shall be consecutive, provided that an interval not longer than one hour may be allowed for each regular meal period, and such interval not counted as part of the employee's working time. Any rest period which may be given employees shall not be deducted from such employee's working time.

## ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

### ORGANIZATION AND CONSTITUTION

SECTION 1. A Code Authority is hereby established consisting of five (5) persons to be elected in the following manner, and to serve for one year or until their successors shall be elected:

(a) Pending the selection of the permanent Code Authority as hereinafter provided, the Code Committee duly selected by the Industry to submit this Code to the National Recovery Administration shall act as temporary Code Authority.

(b) Within five (5) days after the effective date of this Code, and annually thereafter, the Code Authority in office (whether a temporary or a permanent Code Authority) shall nominate a list of ten (10) individuals representative of this Industry, not more than eight of whom shall represent trade associations in this Industry. This list, with the trade association affiliations and the company connections of each individual indicated, shall be submitted to the National Industrial Recovery Board or the Administration Member of the Code Authority for approval or amendment. As so approved or amended the list shall be placed on a ballot containing on its face five blank lines for additional nominations. A copy of this ballot together with a copy of this Code shall be mailed to all members of the Industry whose existence can be determined by diligent search by the Code Authority.

(c) Each member of the Industry shall be entitled to the number of votes indicated on the following Table of Votes. These votes may be cast for any five (5) nominees, and selection may be made from the names printed on the ballot or by writing in other names on the blank lines. The ballot as so marked and signed will be mailed back to such address as shall be designated by the Code Authority. The Code Authority shall fix a date before which all marked ballots must be in the mail, provided that such date shall not be less than fifteen (15) days after the date when all ballots were mailed out to the Industry by the Code Authority.

(d) The Administration Member of the Code Authority shall personally supervise the counting of votes. A list shall be made of all nominees in the order of the greatest number of votes received. There shall be not more than four (4) representatives of trade associations on the Code Authority and to effect this purpose, the following procedure will be carried out: (a) The individuals on the aforesaid list shall be canvassed to determine which are unwilling, unable, or disqualified to serve, and the names of such individuals deleted. (b) The names of all members of each trade association after the first four members of trade associations on the list shall be stricken

therefrom. (c) The first five (5) individuals in order upon said list shall then be declared elected and shall take office immediately upon the approval of their election by the National Industrial Recovery Board.

(e) If a vacancy shall occur on the Code Authority between elections, it shall be filled for the unexpired term by the remaining members of the Code Authority subject to approval by the National Industrial Recovery Board of the person so chosen.

(f) Members of the Industry must note upon their ballots the number of employees which they have used in figuring the number of votes allotted to them by the following Table of Votes:

TABLE OF VOTES

The number of employees of each member of the Industry shall be determined by computing the average number of each member's employees engaged in this Industry for the calendar year preceding the year in which the election is held and subtracting therefrom the average number of such member's outside salesmen for such calendar year.

*Average number of employees (less outside salesmen) for the calendar year preceding the year in which the election is held*

<i>Number of votes</i>		<i>Number of votes</i>	
0 to 5.....	5	151 to 300.....	95
6 to 10.....	20	301 to 650.....	110
11 to 20.....	35	651 to 1,200.....	125
21 to 40.....	50	1,201 to 2,500.....	140
41 to 80.....	65	More than 2,500.....	155
81 to 150.....	80		

SECTION 2. In addition to membership as above provided, there may be three (3) or less members, without vote and without expense to the Industry, to be known as Administration Members, to be appointed by the National Industrial Recovery Board to serve for such terms as it may specify.

SECTION 3. In order that the Code Authority shall, at all times, be truly representative of the Industry and in other respects comply with the provisions of the Act, the National Industrial Recovery Board may provide such hearings as it may deem proper; and thereafter if it shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

SECTION 4. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the National Industrial Recovery Board true copies of its articles of association, bylaws, rules or regulations, and all amendments when made thereto, together with such other information as to membership, organization, and activities as the National Industrial Recovery Board may deem necessary to effectuate the purposes of the Act.

SECTION 5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall

any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under the Code, except for his own wilful malfeasance or nonfeasance.

SECTION 6. If the National Industrial Recovery Board shall determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action, which shall not be effective unless the National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.

#### POWERS AND DUTIES

SECTION 7. Subject to such rules and regulations as may be issued by the National Industrial Recovery Board, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code:

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the Industry with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the National Industrial Recovery Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as it may designate; provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the Industry or to any other party except to such other Governmental agencies as may be directed by the National Industrial Recovery Board.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the National Industrial Recovery Board for the coordination of the administration of this Code with such other codes, if any, as may be related to or affect members of the Industry.

(f) 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competi-

tion hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contribution) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof in its approved budget, and shall in no event exceed the total amount contained in the approved budget except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency budget item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

(g) To recommend to the National Industrial Recovery Board any action or measures deemed advisable, including fair trade practice provisions to govern members of the Industry in their relations with each other or with other trades or industries; measures for industrial planning, and stabilization of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the National Industrial Recovery Board after such notice and hearing as it may specify.

(h) To make a study with a view of determining whether the establishment of Rules of Fair Trade Practice, including additional standards, are necessary in the Industry. The findings and recommendations of the Code Authority, together with such rules, if any, as it may find necessary, shall within four months after the election of the permanent Code Authority be submitted to the National Industrial Recovery Board, and after such hearings and investigations as it may prescribe, such rules as it may designate and approve, if any, shall be made a part of this Code.

## ARTICLE VII—MODIFICATION

1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of sub-section (b) of Section 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any condition imposed by him upon his approval thereof.

2. This Code, except as to provisions required by the Act, may be amended, modified, or supplemented, such amendment, modification, or supplement to be based upon application to the National Industrial Recovery Board and such notice and hearing as it shall specify, and to become effective on approval of the President.

## ARTICLE VIII—MONOPOLIES, ETC.

No provisions of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

## ARTICLE IX—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual cost should be delayed. And when made, such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

## ARTICLE X—EFFECTIVE DATE

This Code shall become effective on the second Monday after approval by the President.

Approved Code No. 529.  
Registry No. 698-1-30.





Approved Code No. 530

**CODE OF FAIR COMPETITION**

FOR THE

**BITUMINOUS ROAD MATERIAL DISTRIBUTING  
INDUSTRY**

As Approved on October 26, 1934

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**ORDER**

**CODE OF FAIR COMPETITION FOR THE BITUMINOUS ROAD MATERIAL  
DISTRIBUTING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Bituminous Road Material Distributing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said code complies in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act; and does hereby order that said Code of Fair Competition be and it is hereby approved.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

WALTER G. HOOKE,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 26, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Bituminous Road Material Distributing Industry, revised after a public hearing conducted in Washington on June 28, 1934, in accordance with the provisions of the National Industrial Recovery Act.

### THE INDUSTRY

Included in this Industry are the resale and reprocessing for sale and/or either one or both and/or the merchandising of liquid bituminous road materials and/or the preparation of such materials for application, including the services of all preparatory and necessary work incidental thereto, from railroad tank cars, service plants, producers, or refinery plants, or members own plant or otherwise, by the use of mechanical distributing apparatus or by supply trucks, and including services such as the heating and/or transportation with equipment owned and operated by the bituminous road material distributor.

### PROVISIONS FOR HOURS AND WAGES

The Code provides for a maximum week of thirty-two hours with the following exceptions:

(a) Employees engaged in managerial or supervisory capacity receiving regularly more than thirty-five (\$35.00) dollars per week. Employees engaged in a supervisory capacity are defined as those persons who perform no manual labor.

(b) Regular employees who are distributor operators or distributor operator assistants receiving a minimum wage of not less than thirty-five (\$35.00) dollars per week shall be permitted to work in excess of thirty-two (32) hours in any one week and shall be paid at the rate of one and one-half ( $1\frac{1}{2}$ ) times their prorated hourly rate for all time actually worked in excess of forty-eight (48) hours in any one week period. Distributor laborers receiving a minimum wage of not less than twenty-four (\$24.00) dollars per week shall be permitted to work in excess of thirty-two (32) hours per week. Rates for overtime for distributor laborers shall be calculated on the same basis as for distributor operators. For the purpose of calculating the above maximum hours and overtime, "hours of work" and "time actually worked" mean time of actual transportation and/or application of liquid bituminous materials and/or any other services performed by such employees, excluding inoperative or standing time lost for any cause not within the normal control of the employer.



(c) Distributor operators paid on a daily basis and paid for all time spent consecutively on or in connection with a job, irrespective of time actually worked, and who shall receive not less than six dollars (\$6.00) for a basic eight (8) hour day, which rate is received irrespective of hours worked if hired for any time during a day, and receiving an overtime rate of at least one and one-half ( $1\frac{1}{2}$ ) their prorated hourly rate for all hours in excess of eight (8) in any one day, may be permitted to work in excess of thirty-two (32) hours in any one week. Distributor laborers paid on a daily basis shall receive a minimum wage of not less than four dollars and fifty cents (\$4.50) per day for a basic eight (8) hour day and shall be permitted to work in excess of thirty-two (32) hours in any one week. The method of payments and rate for overtime hours for distributor laborers shall be calculated on the same basis as the distributor operators.

(d) Accounting, clerical, or office employees, who shall not be permitted to work in excess of forty (40) hours per week.

(e) Watchmen, who shall not be permitted to work in excess of fifty-six (56) hours in any one (1) week nor more than six (6) days in any seven (7) day period.

(f) Firemen and plant men when working away from the plant, who shall not be permitted to work in excess of forty-eight (48) hours in any one (1) week nor more than six (6) days in any seven (7) day period.

(g) Employees engaged in emergency work or in emergency repair work involving breakdowns or the protection of life or property; provided, however, that such employees shall be paid at the rate of one and one-half ( $1\frac{1}{2}$ ) times their normal hourly rate for all time in excess of the maximum set forth hereinabove.

The exemptions in paragraphs (b) and (c) of Section 1 of Article IV are granted on account of the peculiar nature of the work done by distributor operators, distributor operator assistants and distributor laborers. Hot or cold liquid bituminous material can be placed only when the surfaces to which it is to be applied are in the proper condition. After a rain time can be lost for surfaces to dry, as the material cannot be placed on a wet surface. The distributor operator, after he has arrived at the site with the bituminous material, often has to wait for other parties to build or properly prepare surfaces. Oftentimes, this delay is not the fault of the other parties; they too, have been delayed owing to causes beyond their control. Operators paid by the week, are frequently paid for a week or more without doing any work whatever. Frequently, the material is distributed many miles from the loading point, making it entirely impracticable to switch operators and assistants and operator laborers at such remote locations. It is on account of these facts that the exempting provisions for maximum hours and overtime have been incorporated in the Code. Again, safety, too, enters largely into the methods which have to be followed in this industry—as when applying liquid bituminous materials to parts of or to the entire surface of a highway, often requiring alternate flows of traffic, making driving conditions extremely dangerous. The time element is a primary consideration and working time has to be so arranged as to provide for it. Highway officials often declare an emergency on such occa-

sions, and regular working hours, of necessity, have to be disregarded. Thus, the distribution of liquid bituminous materials to surfaces is largely out of the control of the distributor operator. A great deal of idle waiting time is unavoidable and it is essential, in calculating maximum hours worked, that some provisions be made for it.

The Code establishes a minimum rate of forty (40) cents per hour in the states of Kentucky, Tennessee, Alabama, Mississippi, Virginia, North Carolina, South Carolina, Georgia, Florida, Arkansas and Louisiana; and fifty (50) cents per hour in the other states of the Union. Office and clerical employees will be paid minimum rates of from fourteen dollars (\$14.00) to fifteen dollars (\$15.00) per week, based on population differentials.

No person under eighteen (18) years of age shall be employed in the industry; provided, however, that persons sixteen (16) years or over may be employed as office boys, mess boys or water boys; provided, further, that no person under twenty-one (21) years of age shall be employed as a distributor operator or as a distributor operator assistant.

The Code provides that no employer shall reclassify employees for the purpose of defeating the purposes or provisions of the Act or of the Code. It also contains provisions for the adjustment of wages above the minimum, the posting of labor provisions, and for payment of wages at regular stated intervals.

#### ECONOMIC EFFECT OF THE CODE

Owing to the scarcity and incompleteness of statistics for the Bituminous Road Material Distributing Industry, it has not been possible to compile a really authentic statistical analysis. The fact that bituminous materials have such a wide and varied use greatly increased this difficulty. The Code Committee stated in the Application for Presentation of a Code of Fair Competition that there were five hundred and eighty-four (584) members of the industry in 1933, that the industry employed 11,000 persons during that year, and that the invested capital was \$35,000,000 and the volume of business was \$27,000,000. Even in view of the approximate accuracy of the statistical report, with the unusual reduction in working hours as provided for by the thirty-two (32) hour week, there can be no doubt but that employment in this industry will be greatly spread and increased.

Again, owing to the difficulty in getting accurate statistics, there was some difficulty in getting a representative Code Committee. It is believed that the committee finally selected is as truly representative of the industry as any other similarly sized group from the industry would be.

#### FINDINGS

The Deputy Administrator in his final report to this board on said Code having found as herein set forth and on the basis of all the proceedings in this matter;

This board finds that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by this board as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, therefore, this board has approved said Code of Fair Competition for the Bituminous Road Material Distributing Industry.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 26, 1934.

# CODE OF FAIR COMPETITION FOR THE BITUMINOUS ROAD MATERIAL DISTRIBUTING INDUSTRY

## PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Bituminous Road Material Distributing Industry, and shall upon approval be the standards of fair competition for this Industry and shall be binding upon every member thereof.

## ARTICLE I—APPLICATION

The provisions of this Code shall apply to the entire industry as hereinafter defined, excluding operations therein undertaken in accordance with bona fide bids made not more than sixty (60) days prior to the effective date, or contracts entered into prior to the effective date. If any other code of fair competition or a provision thereof, heretofore or hereafter approved by the President, shall conflict with this Code or with any provisions thereof, the National Industrial Recovery Board may hold such hearings as it may deem necessary and thereafter may, if in its judgment justice requires, grant such stay, exception, or exemption or make such other determination as it may deem advisable to effectuate the policies of the Act.

## ARTICLE II—DEFINITIONS

SECTION 1. The term "Bituminous Road Material Distributing Industry", or "the industry" as used herein is defined to mean the resale and reprocessing for sale and/or either one or both and/or the merchandizing of liquid bituminous road materials and/or the preparation of such materials for application, including the services of all preparatory and necessary work incidental thereto, from railroad tank cars, service plants, producers, or refinery plants, or member's own plant or otherwise, by the use of mechanical distributing apparatus or by supply trucks, and including services such as the heating and/or transportation with equipment owned and operated by the bituminous road material distributor, except when the principal purpose and effect of such sale or disposal is to obtain revenue for transportation; provided, however, that this definition of the Bituminous Road Material Distributing Industry shall not include the production and refining of bituminous materials, and the marketing thereof by such producers and refiners; provided, further, that this definition shall not include the application of the above materials at the site of construction.

SECTION 2. The term "employee" as used herein includes any person engaged in the industry, however compensated, except a member of the industry.

SECTION 3. The term "employer" as used herein includes anyone by whom any such employee is so compensated or employed.

SECTION 4. The term "Distributor Operator" as used herein means portable tank car heater operators and trained employees who are responsible for mechanical distributing apparatus, and for the distribution of liquid bituminous materials from such distributing apparatus to designated surfaces in such a manner as to meet specific requirements and specifications.

SECTION. The term "Distributor Operator Assistant" as used herein means employees who assist distributor operators in their functions as described in Section 4 of this Article.

SECTION 6. The term "Distributor Laborer" as used herein means employees who are attached to a distributing truck who at no time drive such vehicle and at no time operate such mechanism; and at most handle the hand hose.

SECTION 7. The term "Regular Employee" as used herein means an employee who is normally employed by a member of the industry when there is work available.

SECTION 8. The term "member of the industry" includes, but without limitation, any individual, partnership, association, corporation or other agency or form of enterprise which undertakes, whether by formal contract or otherwise, to direct, superintend, coordinate or execute, any of the operations of the industry.

SECTION 9. The term "Association" means the National Bituminous Road Material Distributing Associates.

SECTION 10. The term "Executive Committee" means the Executive Committee of the Association.

SECTION 11. The terms "President" and "Act" shall mean, respectively, the President of the United States and Title I of the National Industrial Recovery Act.

SECTION 12. The term "Region" as used herein includes any one of several parts of the United States established as hereinafter set forth in Article III of this Code or as may be otherwise specifically provided.

SECTION 13. "Population" for the purposes of this Code shall be determined by reference to the latest Federal Census.

### ARTICLE III—ADMINISTRATION

SECTION 1. *Code Authority.*—Further to effectuate the policies of the Act and subject to such rules and regulations as may be issued by the National Industrial Recovery Board to insure the execution of the provisions of this Code and to provide for the compliance of the Industry with the provisions of the Act, there shall be established a "Code Authority for the Bituminous Road Material Distributing Industry" (hereafter referred to as the "Code Authority") composed of nine (9) individuals eligible under the provisions of Section 9 of this Article, to be elected as follows:

(a) *Association Members.*—Six (6) individuals shall be appointed from members of the Industry who are members of the Association

by the Executive Committee of the Association, to serve for a term of one (1) year.

(b) *Non-Association Members*.—Three (3) individuals shall be appointed by the National Industrial Recovery Board from members of the Industry who are not members of the Association to represent non-Association members, to serve for a term of one (1) year and/or until their respective successors have been selected.

(c) *Filling Vacancies*.—The successors of all members of the Code Authority (including the successors of any member whose membership becomes vacant) shall be selected in the same manner as their predecessors, except that the successors to the members appointed under paragraph (b) hereof may be elected by the members of the Industry who are not members of the Association, at an election, the manner and method of conducting which are satisfactory to and approved by the National Industrial Recovery Board.

(d) *Administration Members*.—In addition to the membership as above provided, there may be three (3) members without vote to be known as Administration Members, to be appointed by the National Industrial Recovery Board, to serve for such terms as it may specify.

(e) *Voting*.—Each member of the Code Authority shall have one (1) vote, and the vote of a majority of said members shall prevail in determining the actions of the Code Authority.

SECTION 2. *Regions*.—For the purpose of administration of this Code, the United States shall be divided into nine (9) regions as indicated in the following tabulation. The Code Authority may from time to time revise such region or regions subject to the approval of the National Industrial Recovery Board.

*Region No. 1*.—Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island.

*Region No. 2*.—New York and New Jersey.

*Region No. 3*.—Pennsylvania and Ohio and West Virginia.

*Region No. 4*.—Maryland, Delaware, District of Columbia, Virginia, North Carolina, South Carolina, Georgia and Florida.

*Region No. 5*.—Texas, Arkansas, Louisiana, Mississippi, Alabama, Tennessee and Kentucky.

*Region No. 6*.—Illinois, Wisconsin, Indiana, Minnesota and Michigan.

*Region No. 7*.—Missouri, Kansas, Iowa, Nebraska and Oklahoma.

*Region No. 8*.—Washington, Oregon, Idaho, Montana, North Dakota and South Dakota.

*Region No. 9*.—Colorado, Nevada, California, Wyoming, Utah, Arizona and New Mexico.

SECTION 3. *Regional Code Authorities*.—In any one of the nine regions, as defined in Section 2 of this Article, a regional code authority may be formed by the members of the industry in such region, for the purpose of supervising and administering this Code in such region under such powers and duties as may be delegated to it by the Code Authority.

SECTION 4. *Hearings by National Industrial Recovery Board*.—In order that the Code Authority and the regional code authorities shall at all times be truly representative of the industry and in other

respects comply with the provisions of the Act, the National Industrial Recovery Board may prescribe such hearings as it may deem proper; and thereafter, if it shall find that the Code Authority or any regional code authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Code Authority or any regional code authority.

**SECTION 5. *Amendments to Constitution and By-Laws.***—The Association shall impose no inequitable restriction on membership and shall adopt no future amendment of the Constitution and By-Laws of the Association which will tend to make the organization not truly representative of the Industry as herein defined. The Association shall submit to the National Industrial Recovery Board true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization and activities as the National Industrial Recovery Board may deem necessary to effectuate the provisions of the Act.

**SECTION 6. *Liability of Code Authority Members.***—Nothing contained in this Code shall constitute the members of the Code Authority, or of any regional code authorities, partners for any purpose. Nor shall any member of the Code Authority or of any regional code authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority or of any regional code authority. Nor shall any member of the Code Authority or of any regional code authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or nonfeasance.

**SECTION 7. *Powers and Duties.***—Subject to such rules and regulations as may be issued by the National Industrial Recovery Board, the Code Authority shall have the following powers and duties in addition to those of insuring the execution of the provisions of this Code, and providing for the compliance of the industry with the provisions of the Act, subject to such rules and regulations, and in addition to those authorized by other provisions of this Code:

(a) It may establish by-laws or rules and regulations for the conduct of its affairs and may appoint such committees, agencies and representatives and delegate to them such of its powers and duties as it may deem necessary for the proper discharge of its functions hereunder, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such committees, agencies and representatives shall be subject to and comply with the provisions hereof.

(b) *Recommendations.*—To make to the National Industrial Recovery Board from time to time any recommendations which it deems desirable for modifications of or additions to the Code, which recommendations upon the National Industrial Recovery Board's approval and after such hearing as it may prescribe, shall become a part of this Code and have full force and effect as provisions thereof.

(c) *Investigations and Surveys.*—Subject to such rules and regulations as the National Industrial Recovery Board may issue, to

make investigations and surveys concerning the functioning of and compliance with this Code, the observance of its provisions, including the collection of reports on hours of work and rates of compensation and other pertinent matters, whether at the request of the National Industrial Recovery Board or otherwise, and to report its findings and recommendations to the National Industrial Recovery Board whenever necessary or required.

(d) *Coordination.*—To make recommendations to the National Industrial Recovery Board for the coordination of provisions of this Code, and of the administration of this Code with such other Codes as may be related to this Industry or affect its members.

(e) *Trade Practice Committees.*—To appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other Codes as may be related to this industry for the purpose of formulating fair trade practices to govern the relationships between members of this industry and members of such other codes to the end that such fair trade practices may be proposed to the National Industrial Recovery Board as Amendments to this Code or such other Codes.

(f) *Using the Association.*—To use the Association or other agencies as it deems proper for the performing of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code, and that the Association and such other agencies shall at all times be subject to and comply with the provisions hereof.

SECTION 8. *The Budget.*—It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) *Incurring Obligations.*—To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) *Submittal of Budget and Method of Assessment.*—To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(c) *Procuring Contributions.*—After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of this industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

SECTION 9. *Code Compliance and NRA Insignia.*—Each member of this industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of this industry complying with the Code and contributing to the expenses of its administration as provided in Section 8 of this



Article, (unless duly exempted from making such contributions) shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefits of its voluntary activities or to use any emblem or insignia of the National Recovery Administration.

SECTION 10. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

SECTION 11. *Code Authority and Administration Members.*—The Code Authority or its authorized representative or representatives and the Administration Members of the Code Authority, or their proxies appointed by the National Industrial Recovery Board, may attend meetings of any administrative agency established for any region provided in this Article.

SECTION 12. *Reports.*—In addition to information required to be submitted to the Code Authority, all or any of the persons subject to this Code shall furnish such statistical information as the National Industrial Recovery Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as the National Industrial Recovery Board may designate; and nothing in this Code shall relieve any person of any existing obligation to furnish reports to governmental agencies.

#### ARTICLE IV—HOURS, WAGES, AND GENERAL LABOR PROVISIONS

SECTION 1. *Hours.*—No employee shall be permitted to work in excess of thirty-two (32) hours in any one week or more than eight (8) hours in any twenty-four (24) hour period, nor more than five (5) days in any seven (7) day period, with the following exceptions:

(a) Employees engaged in managerial or supervisory capacity receiving regularly more than thirty-five (\$35.00) dollars per week. Employees engaged in a supervisory capacity are defined as those persons who perform no manual labor.

(b) Regular employees who are distributor operators or distributor operator assistants receiving a minimum wage of not less than thirty-five (\$35.00) dollars per week shall be permitted to work in excess of thirty-two (32) hours in any one week and shall be paid at the rate of one and one-half (1½) times their prorated hourly rate for all time actually worked in excess of forty-eight (48) hours in any one week period. Distributor laborers receiving a minimum wage of not less than twenty-four (\$24.00) dollars per week shall be permitted to work in excess of thirty-two (32) hours per week. Rates for overtime for distributor laborers shall be calculated on the same basis as for distributor operators. For the purpose of calculating the above maximum hours and overtime, "hours of work" and "time actually worked" mean time of actual transportation of liquid bituminous materials and/or any other services per-

formed by such employees, excluding inoperative or standing time lost for any cause not within the normal control of the employer.

(c) Distributor operators paid on a daily basis and paid for all time spent consecutively on or in connection with a job, irrespective of time actually worked, and who shall receive not less than six dollars (\$6.00) for a basic eight (8) hour day, which rate is received irrespective of hours worked if hired for any time during a day, and receiving an overtime rate of at least one and one-half ( $1\frac{1}{2}$ ) their prorated hourly rate for all hours in excess of eight (8) in any one day, may be permitted to work in excess of thirty-two (32) hours in any one week. Distributor laborers paid on a daily basis shall receive a minimum wage of not less than four dollars and fifty cents (\$4.50) per day for a basic eight (8) hour day and shall be permitted to work in excess of thirty-two (32) hours in any one week. The method of payments and rate for overtime hours for distributor laborers shall be calculated on the same basis as for distributor operators.

(a) Accounting, clerical, or office employees, who shall not be permitted to work in excess of forty (40) hours per week.

(e) Watchmen, who shall not be permitted to work in excess of fifty-six (56) hours in any one (1) week nor more than six (6) days in any seven (7) day period.

(f) Firemen and plant men when working away from the home plant, who shall not be permitted to work in excess of forty-eight (48) hours in any one (1) week nor more than six (6) days in any seven (7) day period.

(g) Employees engaged in emergency work or in emergency repair work involving breakdowns or the protection of life or property; provided, however, that such employees shall be paid at the rate of one and one-half ( $1\frac{1}{2}$ ) times their normal hourly rate for all time in excess of the maximum set forth hereinabove.

SECTION 2. *Employment by Several Employers.*—No employer shall knowingly permit any employee to work any number of hours which, when totaled with that already performed for another employer or employers in this industry, exceeds the maximum permitted herein.

SECTION 3. *Employers who Perform Manual Work.*—Members of this industry who personally perform manual work or who are personally engaged in mechanical operations shall not exceed the maximum as to hours and days prescribed herein, for the work performed by them, but they shall be granted the exemptions under similar conditions provided for in paragraphs (b), (c) and (f) of Section 1 of this Article.

SECTION 4. *Wages.*—(a) No employee, excluding accounting, office and clerical employees, shall be paid at less than the rate of forty (40¢) cents per hour in the states of Kentucky, Tennessee, Alabama, Mississippi, Virginia, North Carolina, South Carolina, Georgia, and Florida, Arkansas and Louisiana; and fifty (50¢) cents in the other States of the Union and the District of Columbia.

(b) *Minimum Salaries for Clerical and Office Employees.*—No accounting, office or clerical employee shall be paid less than at the rate of fifteen dollars (\$15.00) per week in any city of over 500,000 population or the immediate trade area of such city, nor less than

fourteen and a half dollars (\$14.50) per week in any city of between 250,000 and 500,000 population, or in the immediate trade area of such city, nor less than fourteen dollars (\$14.00) per week in any other place.

(c) *Payment of Wages.*—All members of this industry shall make payment of all wages due in lawful currency of the United States or by negotiable check therefor, payable on demand at par. If wages are paid by check, the employer shall provide reasonably accessible facilities for cashing such checks at face value without expense to the employee. Employers shall also provide such identification as is necessary to utilize such facilities.

Wage shall be payable at the end of each weekly or bi-weekly period, and shall be exempt from any payment or deduction for pensions, insurance or sick benefits or other items except such as are voluntarily paid, required by law or authorized to be deducted by employees. Employers or their agents shall not accept, directly or indirectly, rebates on such wages nor give anything of value nor extend any favors to any person for the purpose of influencing rates of wages or working conditions of their employees.

The provisions of this sub-section regarding payment of wages at the end of each weekly or bi-weekly period shall not apply to persons employed in executive, administrative or supervisory capacity who earn in excess of thirty-five (\$35.00) dollars per week, nor to persons employed in clerical or office work. The wages for persons employed in clerical or office work shall be payable at least semi-monthly.

SECTION 5. *Pieccwork Compensation.*—This Article establishes a minimum rate of pay regardless of whether an employee is compensated on a time rate, piecework rate or other basis.

SECTION 6. *Adjustment of Wage Rates.*—All wages shall be adjusted so as to maintain a differential at least as great in amount as that existing on June 16, 1933, between wages for such employment and the then minima. In no case shall there be any reduction in hourly rates; nor in weekly earnings for any reduction in hours of less than thirty per cent.

SECTION 7. *Provisions of the Act.*—Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; employers shall comply with the maximum hours of labor; minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

SECTION 8. *State Laws.*—This Code shall not supersede any State, Federal or local laws imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire or general working conditions than under this Code.

SECTION 9. *Reclassification.*—Employers shall not reclassify employees or duties of occupations performed by employees or engage

in any other subterfuge for the intent or purpose of defeating the purposes or provisions of the Act or of this Code.

SECTION 10. *Posting.*—All employers shall post and keep posted the labor provisions of this Code in conspicuous places accessible to all employees. Every member of the industry shall comply with all rules and regulations relative to the posting of provisions of codes of fair competition which may from time to time be prescribed by the National Industrial Recovery Board.

SECTION 11. *Standards for Safety and Health.*—Each member of this industry shall provide for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the National Industrial Recovery Board within three (3) months after the effective date of this Code. After approval, such standards shall become the minimum standards of safety and health for all members of this industry.

SECTION 12. *Minimum Age.*—No person under eighteen (18) years of age shall be employed in the industry; provided, however, that persons sixteen (16) years or over may be employed as office boys, mess boys or water boys; provided, further, that no person under twenty-one (21) years of age shall be employed as a distributor operator or as a distributor operator assistant.

SECTION 13. *Handicapped Persons.*—A person whose earning capacity is limited because of age, physical or mental handicap or other infirmity may be employed on light work at a wage below the minimum established by this Code if the employer or employee obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file monthly with the Code Authority, a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for, such employees.

SECTION 14. *Dismissal or Demotion.*—No employee shall be dismissed or demoted by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

SECTION 15. *Evasion through Reemployment.*—No employee now employed at a wage rate in excess of the minimum shall be discharged and reemployed at a lower rate for the purpose of evading the provisions of this Code.

SECTION 16. *Contracting Labor Services.*—No member of this industry shall, directly, or indirectly, sublet solely the labor services required by any contract secured by such member.

SECTION 17. *Continuity of Employment.*—Employers shall administer work in their charge so as to procure the maximum practicable continuity of employment for their employees.

SECTION 18. *Traveling Expense.*—Members of this industry shall make payment of all legitimate expenses incident to transportation, board and room, incurred by an employee while traveling to and from or away from the home site, when place of employment is outside of the recognized working area of the home site.

## ARTICLE V—FAIR TRADE PRACTICE REGULATIONS

The provisions of this Article are established as rules of fair trade practice, and any violation of said rules shall constitute an unfair method of competition and a violation of this Code.

**RULE 1. *Secret Rebates.***—No member of this industry shall secretly offer or make any payment or allowance of a rebate, refund, commission credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor shall a member of this industry secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

**RULE 2. *Defamation.***—No member of this industry shall defame a competitor by falsely imputing to him dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representation, or by falsely disparaging the grade or quality of his goods or work.

**RULE 3. *Misrepresentation.***—No member of this industry shall publish advertising or make any offer of sale which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any product of this industry (including, but without limitation, its quality, quantity, size, grade or substance) or credit terms, values, policies or services.

**RULE 4. *Misbranding.***—No member of this industry shall brand or mark any product of the industry in any manner which is intended to or does deceive or mislead purchasers with respect to the quality, quantity, size, grade or substance of such products.

**RULE 5. *Commercial Bribery.***—No member of this industry shall give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

**RULE 6. *Lump-Sum Bidding.***—No member of this industry shall sell any industry product except on a unit-price basis.

**RULE 7. *Contingent Selling.***—No member of this industry shall enter into any agreement for furnishing any industry product contingent upon the sale or purchase of any other product or service, or other contingency not appearing in the contract.

**RULE 8. *Jobbers and Distributors.***—No member of this industry shall dispose of the products of his industry through a middleman, whom he controls by stock ownership or otherwise, for the purpose of evading the standards of fair competition established in this Code.

**RULE 9. *Confidential Information.***—No member of this industry shall seek or get confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery or by any other unfair method.

**RULE 10. *Withdrawal of Bids.***—No member of this industry shall obtain or attempt to obtain any consideration other than the permission to withdraw a bid where a bona fide error can be established after the opening of bids.

**RULE 11. *Payments to Subcontractors.***—Funds received by members of this industry for work performed as defined in Section 1 of Article II of this Code, or to be performed by him shall be accepted and applied, first, to the purpose of paying amounts due from him to others in respect of any portion of such work, including amounts due to employees, material men, subcontractors and others. These provisions shall not be construed to require said member to keep in separate bank accounts or deposits, funds received under separate contract provided he maintains books of account clearly showing the allocation to each and every contract of the funds deposited, and he shall devote the final payments due him within ten (10) days after the receipt thereof to the payment of balances due from him to such employees, material men, sub-contractors and others provided satisfactory evidence is furnished to the member of the industry showing that all outstanding claims against said parties, for which said member would otherwise be liable, have been fully satisfied or provided for. Earlier payments and/or greater amounts may be mutually agreed upon. Nothing in this rule shall be construed to supersede any Federal, State or local laws imposing more stringent requirements with respect to matters referred to herein.

**RULE 12. *Waiving Legal Rights.***—No member of this industry shall give any waiver of lien rights without informing sub-contractors with whom he is contracting of such a waiver.

**RULE 13. *Financing Accounts.***—No member of this industry shall permit a sub-contractor or vendor on a specific contract to finance or guarantee a member's accounts, unless such arrangement is expressly provided for in the original contract between the parties.

**RULE 14. *Interference with Employees.***—No member of this industry shall entice away the employees of competitors with the purpose and effect of unduly hampering, injuring or embarrassing competitors in their business.

**RULE 15. *Written Contracts.***—Each member of the industry shall keep accurate and complete records of its transactions in the industry whenever such records may be required under any of the provisions of this Code, and shall furnish accurate reports based upon such records concerning any of such activities when required by the Code Authority or the National Industrial Recovery Board. If the Code Authority or the National Industrial Recovery Board shall determine that substantial doubt exists as to the accuracy of any such report, so much of the pertinent books, records, and papers of such member as may be required for the verification of such report, may be examined by an impartial agency agreed upon between the Code Authority and such member, or, in the absence of agreement, appointed by the National Industrial Recovery Board. In no case shall the facts disclosed by such examination be made available in identifiable form to any competitor whether on the Code Authority or otherwise, or be given any other publication except such as may be required for the proper administration or enforcement of the provisions of this Code.

**RULE 16. Investigating Bids.**—Upon the complaint of any bidder the Code Authority or any regional administrative committee appointed by it shall select a committee of review, composed of not more than three (3) qualified persons who were not bidders on the particular job to be reviewed, one of whom, if possible, shall not be a member of the Association. This Committee shall be directed to make such investigation of the bid as will enable it to determine whether this Code of Fair Competition has been violated in the bidding on the job in question. In the event the committee of review shall find that any such violation has occurred, their findings on the violation, together with a summary of the facts upon which they are based, shall be reported to the regional administrative committee or the Code Authority for such action as it may deem proper, including in appropriate cases, with the approval of the National Industrial Recovery Board, report to the Federal District Attorney or the Federal Trade Commission.

## ARTICLE VI—OPEN PRICE FILING, COSTS AND PRICE CUTTING AND COST FINDING AND ACCOUNTING

### A. OPEN PRICE FILING

**SECTION 1.** Each member of the industry, selling within any region or subdivision designated by the Code Authority and approved by the National Industrial Recovery Board, shall file with a confidential and disinterested agent of the Code Authority, or, if no region or subdivision shall have been so designated, or, if no agent or agents shall have been designated by the Code Authority, then within such region or subdivision and/or with such agent or agents as may be designated by the National Industrial Recovery Board, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this Article referred to as "price terms", which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all such standard products and services of the industry as are sold or offered for sale by said member and for such nonstandard products of said member as shall be designated by the Code Authority. Said price terms shall in the first instance be filed within thirty (30) days after the date of approval of this provision. Price terms and revised price terms shall become effective within any region or subdivision immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the industry selling within the region or subdivision and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the Code Authority in the preparation and distribution thereof and be available for inspection by any of their customers at the office of such agent. Said list or revisions or any part thereof shall not be made available to any person until released to all members of the industry and their customers, as afore-

said; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid thirty (30) day period after the approval of this Code. The Code Authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the National Industrial Recovery Board. Upon request, the Code Authority shall furnish to the National Industrial Recovery Board or any duly designated agent of the National Industrial Recovery Board copies of any such lists or revisions of price terms.

For the purpose of this Article, the entire United States may be defined as a region.

SECTION 2. When any member of the industry has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

SECTION 3. When the Code Authority or National Industrial Recovery Board shall, in accordance with the provisions of Section 1, of this Article, have designated a Regional Agency in any Region as the agency with which price terms for that Region shall be filed, each member of the industry selling within the Region shall file with the designated agency identified lists of all of his prices, discounts, rebates, allowances, and all other terms and conditions of sale in accordance with the provisions of this Article. Copies of all such price lists filed with any regional or subdivisional agency established pursuant to the provisions of Section 1 of this Article shall be supplied by each member of the industry to and kept on file by a central confidential and disinterested agent to be designated by the Code Authority subject to the approval of the National Industrial Recovery Board. The supplying of such copies shall be for the purpose of record only and not for the giving of further effect to price terms operative within the region or subdivision or for distribution to members of the industry.

SECTION 4. No member of the industry shall sell or offer to sell any products and/or services of the industry within the region or subdivision, for which price terms have been filed therein pursuant to the provisions of this article, except in accordance with such price terms.

SECTION 5. No member of the industry shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the industry to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this Article to create.

#### B. COSTS AND PRICE CUTTING

SECTION 1. The standards of fair competition for the industry with reference to pricing practices are declared to be as follows:

(a) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the industry or of any other industry or the customers of either may at any time complain to the Code Authority that any filed price constitutes unfair competition as destructive price cutting, imperiling small enterprise or tending toward monopoly or the impairment of code wages and



working conditions. The Code Authority shall within five (5) days afford an opportunity to the member filing the price to answer such complaint and shall within fourteen (14) days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of N. R. A. which shall render a report and recommendation thereon to the National Industrial Recovery Board.

(b) When no declared emergency exists as to any given product, there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.

(c) When an emergency exists as to any given product, sale below the stated minimum price of such product, in violation of Section 2 hereof, is forbidden.

SECTION 2. *Emergency Provision.*—(a) If the National Industrial Recovery Board, after investigation shall at any time find both (1) that an emergency has arisen within the industry adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product within the industry for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Code Authority may cause an impartial agency to investigate costs and to recommend to the National Industrial Recovery Board a determination of the stated minimum price of the product affected by the emergency and thereupon the National Industrial Recovery Board may proceed to determine such stated minimum price.

(b) When the National Industrial Recovery Board shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, it shall publish such price. Thereafter, during such stated period, no member of the industry shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Code Authority may recommend review or reconsideration, or the National Industrial Recovery Board may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

#### C. COST FINDING AND ACCOUNTING

SECTION 1. *Cost Finding.*—The Code Authority shall cause to be formulated methods of cost finding and accounting capable of use by all members of the industry, and shall submit such methods to the National Industrial Recovery Board for review. If approved by the National Industrial Recovery Board, full information concerning such methods shall be made available to all members of the industry. Thereafter, each member of the industry shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Code Authority, any agent thereof, or any member of the industry to suggest uniform additions, percentages

or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

#### ARTICLE VII—APPEALS

SECTION 1. Any directly interested party shall have the right of complaint to the appropriate regional code authority, and of a prompt hearing and decision in respect of any decision, rule, regulation, order or finding made by such authority, under such reasonable rules or regulations as may be prescribed by such authority.

SECTION 2. In respect of any decision, rule, regulation, order or finding made by any regional code authority, any directly interested party shall have the right of complaint to the Code Authority and of a prompt hearing and decision under such rules of procedure as it may prescribe.

SECTION 3. Any directly interested party shall have the right of appeal to the National Industrial Recovery Board, subject to such rules and regulations as it may prescribe, in respect to any decisions, rule, regulation, order or finding made by the Code Authority.

SECTION 4. The Code Authority shall be empowered to hear disputes between regional code authorities, committees, or agencies.

#### ARTICLE VIII—REGISTRATION OF MEMBERS OF THE INDUSTRY

Each member of this industry within thirty (30) days after the effective date of this Code, shall register with the Code Authority. All members of this industry who may engage in the Bituminous Road Material Distributing Industry thereafter shall likewise register with the Code Authority. Registration of a member of this industry shall include the full name and mailing address of the member. An application may be made by the Code Authority to the National Industrial Recovery Board for an extension of the time limit for the registration by any member of this industry if it appears that the time limit as provided herein might cause injustice or undue hardship to any member of this industry.

#### ARTICLE IX—MONOPOLIES

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

#### ARTICLE X—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Sub-section (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of the said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of any provisions of this Code or any conditions imposed by him in his approval thereof.

SECTION 2. This Code, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application to the National Industrial Recovery Board and such notice and hearing as it shall specify, and to become effective upon its approval.

#### ARTICLE XI—REVIEW OF ACTS OF CODE AUTHORITIES

If the National Industrial Recovery Board shall determine that any action of the Code Authority or of any regional code authority or any agency thereof may be unfair or unjust or contrary to the public interest, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by the Code Authority or of any regional code authority or agency pending final action which shall not be effective unless the National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty days' notice to it of intention to proceed with such action in its original or modified form.

#### ARTICLE XII—EFFECTIVE DATE

This Code shall become effective on the beginning of the thirtieth (30th) day after its approval by the President.

Approved Code No. 530.  
Registry No. 1003-05.





Approved Code No. 531

**CODE OF FAIR COMPETITION**

FOR THE

**STAINED AND LEADED GLASS INDUSTRY**

As Approved on November 2, 1934

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**ORDER**

**APPROVING CODE OF FAIR COMPETITION FOR THE STAINED AND LEADED  
GLASS INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Stained and Leaded Glass Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate by reference said annexed report and does find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and does hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that within ninety (90) days hereafter objections to and/or facts supporting the provisions of the Code referring to Class A and Class B products and wage differentials for skilled labor employed in the production of such products, and to other labor provisions, shall be submitted to us by the interested parties, and further providing that if in our opinion the provisions applicable to these matters do not appear to be fair, a public hearing shall be held for the purpose of amending the Code in so far as it relates to labor provisions.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*November 2, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Code of Fair Competition for the Stained and Leaded Glass Industry, the hearing having been conducted in Washington on June 1, 1934, in accordance with the provisions of Title I of the National Industrial Recovery Act.

### HOURS AND WAGES

The Code provides that no employee shall be permitted to work in excess of forty (40) hours in any one week, or more than eight (8) hours in any twenty-four (24) hour period or more than six (6) days in any seven (7) day period, except that employees may be permitted to work not in excess of forty-eight (48) hours in any one week in any six (6) weeks in any six (6) months period; provided, however, that any such employees shall be paid at least one and one-half ( $1\frac{1}{2}$ ) times the normal rate for all hours worked in excess of eight (8) hours in any one day and forty (40) hours in any one week. Exception is made for employees engaging in emergency maintenance and/or repair work, provided they are paid one and one-half ( $1\frac{1}{2}$ ) times the normal rate for hours worked in excess of forty (40) hours in any one week or eight (8) hours in any one day. Minimum wage rates of \$1.00 per hour for work done on the more expensive type of industry products and 80¢ an hour for work done on the other products of the Industry are established, except that employees engaged as helpers shall be paid at the rate of not less than 40¢ an hour and employees engaged as apprentices shall be paid at the rate of not less than 35¢ an hour for the first six (6) months of apprenticeship with an increase of 5¢ per hour at the end of each six (6) months period during apprenticeship. Accounting, clerical or office employees shall be paid at a rate of not less than \$15.00 per week. A differential is established between southern and northern wage areas, which provides that in the southern area the minimum wage rate shall be not less than ninety (90) percent of the minimum wage rate provided for in the Code.

### ECONOMIC EFFECT OF THE CODE

This Industry, because of its connection with the Construction Industry, has suffered severely during the depression. The number of employees in the Industry in 1929 was approximately 3,500 but had fallen to about 1,000 in 1933, the latest year for which figures are available. The volume of production in 1933 was about one-sixth of that in 1929, when it was estimated at approximately \$6,000,000. According to the statistical analysis of the Division of Research

and Planning the stimulation of employment in this Industry will have to await an increase in building construction.

#### FINDINGS

The Deputy Administrator in his final report to us on said Code having found as herein set forth and on the basis of all the proceedings in this matter,

We find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Industry normally employs not more than 50,000 employees; and is not classified by us as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Industry; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons, therefore, we have approved this Code.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

NOVEMBER 2, 1934.

# CODE OF FAIR COMPETITION FOR THE STAINED AND LEADED GLASS INDUSTRY

## ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Code of Fair Competition for the Stained and Leaded Glass Industry, and shall be the standards of fair competition for such Industry and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

1. The term "Stained and Leaded Glass Industry" as used herein includes the fabricating and selling and/or installing of stained glass windows, stained and leaded glass, leaded glass, hard metal glazed and foil glazed glass, cutting and glazing and/or painting and erecting of any colored or crystal glass for windows or lights and the cutting and setting and installing of storm or protection glass for buildings and other structures for protection of the stained glass windows thereof; also installation of ventilator frames, tee bars and saddle bars for stained and leaded glass windows; provided all installation and construction work at site shall be subject to any applicable chapter of the Code of Fair Competition for the Construction Industry.

2. The term "Member of the Industry" as used herein includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the Industry, either as an employer or on his or its own behalf.

3. The term "employee" as used herein includes any and all persons engaged in the Industry, however compensated, except a member of the Industry.

4. The term "employer" as used herein includes anyone by whom such employee is compensated or employed.

5. The term "association" as used herein shall mean the Stained Glass Association of America.

6. The terms "President", "Act", and "Administrator", as used herein, mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

7. The term "skilled craftsman" as used herein shall include all persons who have attained a high degree of proficiency in glass painting, glass cutting, and lead, hard-metal, or foil glazing, by serving a term of apprenticeship or otherwise.

8. The term "helpers" as used herein is defined to mean persons employed in drafting, glass painting, firing, and cementing operations, who, though not serving an apprenticeship in the craft,



cannot be considered skilled craftsmen. Such term shall not include employees who cut or glaze glass, nor those who erect or paint glass except as assistants under the direction of a skilled craftsman.

9. The term "apprentices" as used herein is defined to mean persons who are learning the craft under articles of indenture and agreement of time covering a period of four years.

10. The term "Class A Product" as used herein means stained and/or leaded glass reproducing drawings and/or requiring the use of patterns for the cutting of the glass and/or the use of line or the indication of modeling in the painting process; excluding the manufacture of numbers of identical lights of uniform size and design, cut from one set of patterns, such as are made up and carried in stock or otherwise, for sale to what is known as the "sash and door trade"; but including repetitions from the same designs and patterns, for sets of windows for churches and other buildings, for which special drawings shall have been made.

11. The term "Class B Product" as used herein means such work as can be produced without the use of patterns and/or by the process known as "gauge cutting", and/or the manufacture of numbers of identical lights of uniform size and design, cut from one set of patterns, such as are made up to be carried in stock or otherwise, for sale to what is known as the "sash and door trade", excluding repetitions from the same drawings and patterns for sets of windows for churches and other buildings, for which special drawings are made.

#### ARTICLE III—HOURS

1. No employee shall be permitted to work in excess of forty (40) hours in any one week, or more than eight (8) hours in any twenty-four (24) hour period, except as otherwise provided in this Article III, and except that employees may be permitted to work not in excess of forty-eight (48) hours in any one week in any six (6) weeks in any six (6) months period; provided, however, that any such employee shall be paid at least one and one-half (1½) times the normal rate for all hours worked in excess of eight (8) hours in any one day and forty (40) hours in any one week.

2. The maximum hours specified in Section 1 of this Article II shall not apply to the following:

(a) Employees engaged in managerial or executive capacities who regularly earn thirty-five (\$35.00) dollars or more per week.

(b) Employees engaged in emergency maintenance and emergency repair work involving breakdown or protection of life or property; provided, however, that such employees shall be paid at least one and one-half (1½) times the normal hourly rate for all hours worked in excess of forty (40) hours in any one week and eight (8) hours in any one day.

(c) Employees engaged as watchmen who shall be permitted to work not in excess of forty-eight (48) hours in any one week.

(d) Accounting, clerical or office employees who shall be permitted to work not in excess of forty (40) hours in any one week.

3. No employer shall knowingly permit any employee to work for any time which, when added to the time spent at work for another employer or employers exceeds the maximum permitted herein.

4. No employee shall be permitted to work more than six (6) days in any seven (7) day period.

5. Any employer who does the work of a skilled craftsman or helper shall be subject to the provisions of this Code as to hours of labor.

#### ARTICLE IV—WAGES

1. No employee, except as otherwise provided herein, shall be paid in any pay period less than at the rate of one (\$1.00) dollar per hour for Class A Products and eighty (80) cents per hour for Class B Products.

2. The minimum hourly wage specified in Section 1 of this Article IV shall not apply to the following:

(a) Employees engaged as helpers, comprising not more than one such helper for each two skilled craftsmen, who shall be paid not less than at the rate of forty (40) cents per hour.

(b) Employees engaged as apprentices, comprising not more than one such apprentice (but any member of the Industry may employ at least one apprentice) for each five (5) skilled craftsmen, who shall be paid in any pay period not less than at the rate of thirty-five cents (35¢) per hour for the first six months of the apprenticeship, with an increase of five cents (5¢) per hour at the end of each six-month period during the apprenticeship.

(c) Accounting, clerical or office employees, who shall be paid in any pay period not less than at the rate of fifteen dollars (\$15.00) per week.

3. No employee in the South shall be paid in any pay period less than at the rate of ninety (90) percent of the rates of pay specified in Sections 1 and 2 of this Article IV. For the purposes of this section, the term "South" shall mean and include the States of North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Texas, Arkansas, Louisiana, and Oklahoma.

4. No cutters, glazers, or glass painters shall be given piece or contract work.

5. This Article IV establishes minimum rates of pay which shall apply irrespective of whether an employee is actually compensated on a time rate, piece rate, or other basis.

6. Equitable adjustment of compensation of employees receiving more than the minimum rates of pay herein prescribed, shall be made by all employers who have not heretofore made such adjustments, and all employers shall, within sixty (60) days after approval of this Code, report in full to the Code Authority and to the Administrator concerning such adjustments, whether made prior to or subsequent to such approval; provided, however, that in no event shall hourly or weekly rates of pay be reduced.

7. No employee now engaged at a rate above the minimum shall be discharged and reemployed or replaced by another at a lower rate for the purpose of defeating the provisions of the Act or of this Code.

8. Each employer shall make payment of all wages due in lawful currency, or by negotiable check therefor payable on demand. These wages shall be exempt from any payments for pensions, insurance, or sick benefits other than those voluntarily paid by the wage earners,

or required by State laws. Wages shall be paid at least once a week, and salaries at least twice a month. No employer shall withhold wages. The employer or his agents shall accept no rebates directly or indirectly on such wages nor give anything of value nor extend favors to any person for the purpose of influencing rates of wages or the working conditions of his employees.

9. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

10. A person whose earning capacity is limited because of age or physical or mental handicap or other infirmity may be employed on light work at a wage below the minimum established by this Code, if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

#### ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the industry or anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator for approval within sixty (60) days after the effective date of this Code a list of such operations or occupations. In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate duly issued by the authority empowered to issue employment or age certificates showing that the employee is of the required age.

2. (a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives, or in self-organization, or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or refrain from joining, organizing, or assisting a labor organization of his own choosing.

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

3. No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary, or general working conditions, or insurance, or fire protection, than are imposed by this Code.

4. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the provisions or purposes of the Act or of this Code.

5. All employers shall comply with the rules and regulations issued from time to time by the Administrator with respect to posting notices, bulletins, and extracts from this Code.

6. Every employer shall provide for the safety and health of his employees at the place and during the hours of their employment. Minimum standards of safety and health shall be submitted by the Code Authority to the Administrator for approval within three (3) months after effective date of this Code.

7. No employee shall be discharged, demoted, or otherwise discriminated against for reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

8. Standards as to the maximum hours of labor, minimum rates of pay, and such other conditions of employment as may be necessary to effectuate the policies of Title I of the Act may be established for any area by mutual agreements between employers and employees arrived at and approved pursuant to the provisions of Section 7 (b) of the Act, provided that the wage and hour provisions of such agreements shall not be less favorable to employees than the wage, hour and other labor provisions established in this Code.

## ARTICLE VI—ORGANIZATION, POWERS, AND DUTIES OF THE CODE AUTHORITY

### ORGANIZATION AND CONSTITUTION

1. A Code Authority is hereby established consisting of three persons, or such other number as may be designated from time to time by the Administrator. Two members of the Code Authority are to be elected within thirty (30) days after the effective date of this Code and thereafter annually by the Association and one member to be elected within thirty (30) days after the effective date of this Code and thereafter annually by members of the Industry who are not members of the Association. No two members are to be elected from the same town or city, and the method of election is to be approved by the Administrator.

2. In addition to membership as above provided, there may be one to three members, without vote, to be known as Administration members, and to be appointed by the Administrator to serve for such terms as he may specify.

3. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (a) impose no inequitable restrictions on membership; and (b) submit to the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

4. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper, and thereafter, if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Code Authority.

5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or nonfeasance.

6. If the Administrator shall at any time determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

#### POWERS AND DUTIES

7. Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of the Code.

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the Industry with the provisions of the Act.

(b) To adopt bylaws and rules and regulations for its procedure.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes cited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Governmental agency. No individual report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agencies as may be directed by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to or affect members of the Industry.

(f) To recommend to the Administrator any action or measures deemed advisable, including further fair practice provisions to govern members of the industry in their relations with each other or with other industries; measures for industrial planning and stabili-

zation of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearing as he may specify.

(g) To appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other codes as may be related to the Industry for the purpose of formulating fair trade practices to govern the relationships between employers under this Code and under such other codes to the end that such fair trade practices may be proposed to the Administrator as amendments to this Code and such other codes.

(h) To assemble data relating to the importation of stained and leaded glass into the United States on such terms or under such conditions as to endanger the maintenance of this Code, for the purpose of carrying out the provisions of Section 3(e) of the Act.

8. The Code Authority may appoint such committees or agents as it may deem necessary and may delegate to them or to any divisional or subdivisonal agency such of its powers or duties as it may deem proper for the administration of this Code; provided, however, that it shall reserve final responsibility as to any powers or duties so delegated.

9. (A) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

1. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

2. To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

3. After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

B. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

C. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount

contained in the approved budget except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

#### ARTICLE VII—TRADE PRACTICES

1. The term "competitive bidding" as used herein shall mean the submission at or before a definite predetermined time of proposals by two or more members of the Industry to an awarding authority to execute a specific program of work, furnishing a definite service or supplying material specifically required for a particular project at a stipulated price. This does not include furnishing quotations on standard products. The term "awarding authority" as used herein shall mean any person, firm, corporation, or governmental agency who may upon competitive bidding award contracts.

2. The practice commonly known as "bid peddling" is characterized as unfair and shall not be engaged in by any member of the Industry. Bid peddling in effect means the offering by the bidder prior to the making of an award of a substitute bid or price lower than the one originally bid without a commensurate decrease in the requirements of the job. The correction of the abuses resulting from such practice is obtainable by regulation restricting or controlling bidders.

3. No member of the Industry shall submit more than one bid or more than one design on the same part of the work contemplated, except where alternates are called for and required of all competitors alike, and no member shall bid after closing date fixed by awarding authority. This section applies in competitive bidding.

4. No contract shall be accepted at other than the price specified in a design competition. No contract shall be accepted at a price other than that submitted in the competition by the selected competitor.

5. No member of the Industry shall quote more than one price in the same competition, except that a revised quotation may be submitted when the plans and/or specifications have been substantially changed, and have been submitted to all competitors alike.

6. No member of the Industry shall give or offer any rebate, refund, discount or special allowance or service, whether in the form of money or otherwise, unless included in his original bid.

7. (a) Each member of the Industry shall make a reasonable charge for the service involved in preparing designs, sample windows or sections, when submitted in competition with other members for the sale of Industry products; provided, however, no charge need be made for designs on contracts of three hundred (\$300.00) dollars or less for three or more windows.

(b) The charge for such service shall be based upon a fee to be mutually agreed upon between the member of the Industry and the awarding authority, which fee shall be at least equal to the sum of all costs in connection with the service.

(c) All designs submitted in any competition shall remain the property of the members of the Industry bidding in such competition, unless specifically agreed to by all such members alike.

8. The Code Authority shall cause to be formulated methods of cost finding and accounting capable of use by all members of the Industry, and shall submit such methods to the Administrator for review. If approved by the Administrator, full information concerning such methods shall be made available to all members of the Industry. Thereafter, each member of the Industry shall utilize such methods or other methods that conform to the principles of, and are at least as detailed and complete as, those formulated by the Code Authority. Nothing herein contained shall be construed to permit the Code Authority, any agent thereof, or any member of the Industry to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

#### ARTICLE VIII—MODIFICATION

1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title I of said Act.

2. Such of the provisions of this Code as are not required to be included herein by the Act may, with the approval of the Administrator, be modified or eliminated in such manner as may be indicated by the needs of the public, by changes in circumstances, or by experience.

#### ARTICLE IX—MONOPOLIES, ETC.

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

#### ARTICLE X—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual cost should be delayed, and when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

#### ARTICLE XI—EFFECTIVE DATE

This Code shall become effective on the tenth day after its approval by the President.

Approved Code No. 531.  
Registry No. 1021-13.









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**AMENDMENTS**

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AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

ANIMAL SOFT HAIR INDUSTRY

As Approved on October 10, 1934

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ORDER

APPROVING AMENDMENT TO THE CODE OF FAIR COMPETITION FOR THE  
ANIMAL SOFT HAIR INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Animal Soft Hair Industry, and an opportunity to be heard thereon having been given, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent Order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON D. C.,  
*October 10, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Animal Soft Hair Industry. Notice of Opportunity to be Heard on this amendment was published on September 7, 1934; no objections were received within the given fifteen (15) days period ending September 22, 1934. The amendment, which is attached, was presented by duly qualified and authorized representatives of the Industry, complying with statutory requirements and being the duly constituted Code Authority under the provisions of the said Code for said Industry.

This amendment provides for assessment of the members of the Animal Soft Hair Industry to defray the expenses of the Code Authority, as set forth in Executive Order No. 6678, dated April 14, 1934.

The Deputy Administrator in his final report to us on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter;

We find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code Authority is empowered to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.  
For the National Industrial Recovery Board:

By G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 10, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE ANIMAL SOFT HAIR INDUSTRY

Article VII, Section 6(f), is hereby deleted and the following is thereby substituted:

(f) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established by this Code, and to effectuate the policy of the Act, the Code Authority is authorized, subject to the approval of the National Industrial Recovery Board:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided, and which shall be held in trust for the purposes of the Code;

(2) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as they may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by all members of the Industry;

(3) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and secure equitable contributions, as above set forth, by all members of the Industry, and to that end, if necessary, to institute legal proceedings in its own name.

(g) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided and subject to the rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided (unless duly exempted from making such contributions) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(h) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency items for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Delete subsection (g) of Section 6 of Article VIII, and change the subsections under Section 6 of Article VII as follows: (h) to (i); and (i) to (j).

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

CLAY MACHINERY INDUSTRY

As Approved on October 10, 1934

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ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CLAY  
MACHINERY INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of an amendment to a Code of Fair Competition for the Clay Machinery Industry, and opportunity to be heard thereon having been duly noticed and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
October 10, 1934.



## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: This is a report on the Amendment to the Code of Fair Competition for the Clay Machinery Industry to incorporate the principles contained in Executive Order of April 14, 1934, relating to collection of expenses of Code Administration. This Amendment was proposed in accordance with Article IX of the Code as approved March 17, 1934, and Notice of Opportunity to be Heard was given from August 10 to August 24, 1934.

### FINDINGS

The Assistant Deputy Administrator in his final report to us on said Amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Amendments on behalf of the Industry as a whole.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, this Amendment has been approved; subject, however, to a ten day waiting period as provided in the Order of Approval.

For the National Industrial Recovery Board:

By G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 10, 1934.

# AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CLAY MACHINERY INDUSTRY

## PURPOSE

Pursuant to Article VI, Section 9 and Article IX, Section 2 of the Code of Fair Competition for the Clay Machinery Industry, duly approved by the President on March 17, 1934, and further to effectuate the policies of Title I of the National Industrial Recovery Act, the following Amendment is established as a part of said Code of Fair Competition and shall be binding upon every member of the Clay Machinery Industry.

## ARTICLE VI—ADMINISTRATION

Amend Article VI by deleting Section 6 and substituting the following new Section 6, and by deleting Section 4 (g); and by deleting from the first sentence of Section 1 (a) the phrase "and signify their willingness to pay their pro-rata share of the cost of administering this Code", placing a period instead of a comma after word "representation."

SECTION 6. A. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided, and which shall be held in trust for the purposes of the Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

B. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such con-

tributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

C. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 343—Amendment No. 1.  
Registry No. 1399-45.



Approved Code No. 133—Amendment No. 2

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

## CONCRETE MASONRY INDUSTRY

As Approved on October 10, 1934

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### ORDER

#### APPROVING AMENDMENT TO THE CODE OF FAIR COMPETITION FOR THE CONCRETE MASONRY INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Concrete Masonry Industry, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, we, the National Industrial Recovery Board, pursuant to authority vested in us by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; do hereby incorporate, by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purpose of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

WAYNE P. ELLIS,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 10, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Concrete Masonry Industry, submitted by the Code Authority for the Concrete Masonry Industry.

The purpose of this amendment is primarily to clarify and strengthen a number of provisions in the Code and to permit the inclusion of sub-divisions of the Industry at a later date. Existing provisions have been revised, and new provisions have been added to more effectively create employment, protect wage payments, permit employment of handicapped persons, prevent reclassification of labor through subterfuge, prevent improper dismissal of employees, and provide for the safety and health of employees. The provisions relating to administration have been completely re-written for clarity and to conform to existing policy, and recommended procedure. The provisions relating to secret rebates and commercial bribery have been revised for clarity and to conform with Administrative policy. The provision relating to price listing has been revised to make such lists available for inspection of all interested parties. The effect of the amendment is briefly that the position of the employee in the Industry is strengthened and his welfare given more protection, and that the administration of the Code may proceed along more definite and constructive lines.

### FINDINGS

The Deputy Administrator in his final report to us on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of Industry for the purpose of cooperative action among trade groups by inducing and maintaining unit action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products

through increasing purchasing power, by labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, we have approved this amendment.  
For the National Industrial Recovery Board:

By G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 10, 1934.



## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CONCRETE MASONRY INDUSTRY

### AMENDMENT No. 1

Article II, Section 1, entitled "Industry" to be amended to read as follows:

"The term 'Industry' as used herein includes the manufacture, and sale by those who manufacture, of block, brick, or tile building units made of Portland Cement Concrete, primarily for structural use, and such related branches or sub-divisions as may from time to time be included under the provisions of this Code".

### AMENDMENT No. 6

Article III, Section 2 (c) to be amended by re-writing the Section as follows:

"Watchmen, provided no such employees shall be permitted to work in excess of fifty-six (56) hours in any one week; provided further, however, that in idle plants not operating and which have not operated for the previous two weeks, watchmen shall not be permitted to work in excess of sixty-four (64) hours in any one week."

### AMENDMENT No. 7

Article III to be amended by adding the following new Section as Section 7:

"Standards as to the maximum hours of labor, minimum rates of pay, and such other conditions of employment as may be necessary to effectuate the policies of Title I of the Act may be established for any area by mutual agreements between employers and employees arrived at and approved pursuant to the provisions of Section 7 (b) of the Act, provided that the wage and hour provisions of such agreement shall not be less favorable to employees than the wage, hour and other labor provisions established in this Code."

### AMENDMENT No. 8

Article IV, Section 2 (d) to be amended by substituting the following therefor:

"These wages shall be exempt from any payments or pensions, insurance or sick benefits, other than those voluntarily paid by the wage earners, or required by law, and such wages shall be paid in lawful currency or by negotiable check, payable on demand. Pay periods for wages shall be at least weekly, and for salaries at least monthly. The employer or his agent shall accept no rebates directly or indirectly on such wages";



and by adding a new Section, Section 3 as follows:

"A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by this Code, if the employer obtains from the State Authority, designated by the U. S. Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the U. S. Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for, such employee."

#### AMENDMENT No. 9

Article V, Section 4 to be amended by striking out present Section 4 in the Code and substituting the following therefor:

"*Reclassification.*—Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of the Act or of this Code, nor engage in any other subterfuge for such purposes."

#### AMENDMENT No. 10

Article V, Section 5 to be amended by adding certain words thereto in order that the complete Section as amended shall read as follows:

"Each employer shall provide for the safety and health of his employees. He shall not be relieved from complying with all national, state, and local ordinances and provisions of safety measures referring to safety and health measures and the welfare of employees insofar as the same may apply to his special type of work, nor from protecting his employees by workmen's compensation insurance. Standards for safety and health shall be submitted by the Code Authority to the Administrator for approval within three (3) months after the effective date of this amendment."

#### AMENDMENT No. 11

Article V to be amended by adding thereto the following section, as Section 8:

"No employee shall be dismissed or demoted for making a complaint or giving evidence with respect to an alleged violation of this Code."

#### AMENDMENT No. 12

Article IV, Section 1 (a)—Amend by striking out the words:

"No factory or mechanical worker or artisan", and substituting therefor the words: "Except as provided in subsections (b) and (c) of this Section, no employee", so that Section 1 (a) will read as follows:

"Except as provided in Subsections (b) and (c) of this Section, no employee shall be paid at less than at the rate of forty (40) cents per hour, except that in Region Number 4 as defined in Article VI of this Code, the minimum shall be thirty (30) cents per hour."

## AMENDMENT No. 13

Delete the whole of Article VI, with exception of Section 14 as amended August 13, 1934, and substitute in lieu thereof the following:

“Article VI—Administration.

SECTION 1. *Regions*.—To facilitate administration, the industry shall be divided into five regions, as follows:

(1) Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island.

(2) Pennsylvania, Maryland, New Jersey, Delaware, District of Columbia, West Virginia.

(3) Indiana, Michigan, Wisconsin, Kansas, Illinois, Minnesota, Iowa, Ohio, Missouri, North Dakota, South Dakota, Nebraska.

(4) Texas, Oklahoma, Arkansas, Louisiana, Kentucky, Tennessee, Mississippi, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida.

(5) Arizona, California, Colorado, Idaho, Montana, Nevada, Wyoming, New Mexico, Oregon, Utah, Washington.

SECTION 2. The regions as established in Section 1 above may be revised and/or subdivided upon application by the Code Authority and approval by the Administrator.

SECTION 3. A Code Authority is hereby established for the administration of this Code, and shall consist of eight (8) members to be elected as hereinafter provided, together with such additional members as may be required to represent new divisions as provided in Section 13 (b) of this Article. In addition to the membership as above provided there may be three (3) members, without vote, to be known as Administration Members, to be appointed by the Administrator to serve for such time as he may specify.

SECTION 4. The Code Authority shall be elected in the following manner: The members of the Industry in each division shall, by a fair method of election to be approved by the Administrator, select its representatives to serve as members of the Code Authority, and the proportionate representation of each division on the Code Authority shall be based on the relative annual production (or volume of business) of the members of the Industry in each division. In the event of any vacancy occurring, the Code Authority shall elect a member to fill such vacancy, provided that the proper representation of each division is maintained.

SECTION 5. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority or of any regional or subregional administrative committee shall: (1) impose no inequitable restriction on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities, as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 6. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter if he shall find that

the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

SECTION 7. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority be liable to anyone for any action or omission to act under the Code, except for his own willful malfeasance or nonfeasance.

SECTION 8. If the Administrator shall at any time determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty (30) days' notice to him of intention to proceed with such action in its original or modified form.

SECTION 9. Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code.

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the industry with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure.

(c) To obtain from members of the industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State Agencies as he may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any Governmental Agency. No individual report shall be disclosed to any other member of the industry or any other party except to such other Governmental agencies as may be directed by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the coordination of the administration of this Code and such other Codes, if any, as may be related to or affect members of the industry.

(f) The Code Authority may present to the Administrator recommendations based upon conditions in the industry as they may develop from time to time, which recommendations will tend to ef-

fectuate the operation of this Code and the policies of the Act. Such recommendations, upon approval by the Administrator, shall become effective as a part of this Code.

(g) To recommend to the Administrator any action or measures deemed advisable, including further fair trade practice provisions to govern members of the industry in their relations with each other or with other industries; measures for industrial planning, and stabilization of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearing as he may specify.

(h) To provide appropriate facilities for arbitration by the members of the Industry, and subject to the approval of the Administrator, to prescribe rules of procedure and rules to affect compliance with awards and determinations.

SECTION 10. *Regional Committees.*—Members of the Industry in any division in any region, as defined in Section 1 of this Article, may establish Regional Committees by means of some fair method of election, subject to the approval of the Code Authority and the Administrator. The Code Authority on its own motion may, or upon petition of 25 per cent of the members of the industry in any division in any region shall, call a meeting of all the members of the industry in any division in any region for the purpose of organizing and electing a Regional Committee.

SECTION 11. *Sub-Regional Committees.*—If, in pursuance of Section 2 of this Article, any region may be divided into sub-regions, each such sub-region may establish a Sub-Regional Committee by means of some fair method of election, subject to the approval of the Code Authority and the Administrator.

SECTION 12-a. Regional and Sub-Regional Committees elected in conformity with Sections 10 and 11 of this Article shall have such powers and duties as may be delegated by the Code Authority, provided, however, that all minutes and records shall be filed with the Code Authority, and provided, further that any action of any such committee shall be subject to the review and disapproval of the Code Authority.

SECTION 12-b. The Code Authority may use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein and to pay such trade associations and agencies the cost thereof, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

SECTION 13-a. For the purpose of the election of the Code Authority and to facilitate the administration of this Code, the following divisions of the industry are hereby established.

(1) The Cinder Unit Division, which shall consist of those members of the Industry who manufacture block, brick or tile building units, primarily for structural use, in which the aggregate chiefly used is cinders.

(2) The Concrete Masonry Unit Division which shall consist of those members of the industry who manufacture block, brick or tile building units, primarily for structural use, in which the aggregate used is chiefly other than cinders.

SECTION 13-b. Divisions of the Industry may be established upon application to the Administrator by truly representative associations or groups after such hearing and notice as he may prescribe, and such divisions shall have representation on the Code Authority in equitable proportion to the other divisions represented on the Code Authority, and such members of the Code Authority shall be elected by a method to be approved by the Administrator.

SECTION 13-c. Each Member of the Industry shall make such sworn reports to the Code Authority as to wages, hours of labor, number of employees, production, stocks on hand, sales, and such other matters as the Code Authority may require for the administration of this Code.

SECTION 13-d. Each Member of the Industry shall keep accurate and complete records of its transactions in the Industry whenever such records may be required under any of the provisions of this Code, and shall furnish accurate reports based upon such records concerning any of such activities when required by the Code Authority or the Administrator. If the Code Authority or the Administrator shall determine that substantial doubt exists as to the accuracy of any such report, so much of the pertinent books, records and papers of such Member as may be required for the verification of such report may be examined by an impartial agency, agreed upon between the Code Authority and such Member, or, in the absence of agreement, appointed by the Administrator. In no case shall the facts disclosed by such examination be made available in identifiable form to any competitor, whether on the Code Authority or otherwise, or be given any other publication, except such as may be required for the proper administration or enforcement of the provisions of this Code.

#### AMENDMENT No. 16

Article VII, Section 1 (c). Amend by striking out second word, "define", and substituting therefor the word, "defame", in order that sub-section may read as follows: "To defame a competitor by words or acts, falsely imputing to him dishonorable conduct, inability to perform contracts, or questionable credit standing, or by the false disparagement of the grade or quality of his products."

#### AMENDMENT No. 17

Article VII, Section 1 (i) and Section 1 (j). Amend by striking out sub-sections (i) and (j) and substituting therefor the following:

"(i) *Secret Rebates*.—To secretly offer or make any payment of allowance of a rebate, refund, commission, credit, unearned discount or excess allowance, whether in the form of money or otherwise, nor to secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale."

"(j) *Commercial Bribery*.—To give, permit to be given or directly offer to give, anything of value for the purpose of influencing or regarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee,

the principal of such agent or the represented party, without the knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined."

#### AMENDMENT NO. 19

Amend Article VII, Section 3 by changing the period in Line 6 to a semi-colon and add thereafter the following words:

"Such price lists or copies thereof to be made available during all business days for the inspection of any and all interested parties."; and by substituting the following for the first sentence in the second paragraph of Section 3 of Article VII:

"The Code Authority shall immediately send copies thereof to all such members of the Industry and their customers as shall apply therefor and defray the cost thereof"; in order that the revised Section 3 of Article VII shall read as follows:

"*Published Prices.*—Each member of the Industry shall publish and distribute to the trade his price lists for sales to consumers and/or middlemen for various types, kinds, and grades of products of the Industry, which shall include credit terms, trade and cash discounts, schedules of freight and cartage charges; copies of which shall at the same time be submitted to the Code Authority; such price lists or copies thereof to be made available during all business days for the inspection of any and all interested parties.

The Code Authority shall immediately send copies thereof to all such members of the Industry and their customers as shall apply therefor and defray the cost thereof. Any revision of such price lists or other such information which may be thereafter made, shall be published to the trade and filed with the Code Authority to become effective on the date specified, but such revised price lists shall be filed at least five days in advance of the effective date. Failure to adhere to such published price lists, discounts, terms, or other conditions of sale, shall constitute an unfair method of competition."

Approved Code No. 133—Amendment No. 2.  
Registry No. 1011-1-02.



Approved Code No. 98—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

FIRE EXTINGUISHING APPLIANCE MANUFACTURING INDUSTRY

As Approved on October 10, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
FIRE EXTINGUISHING APPLIANCE MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of an amendment to a Code of Fair Competition for the Fire Extinguishing Appliance Manufacturing Industry; Opportunity to be Heard having been noticed to all interested persons, and no objections having been filed; and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, The National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 10, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on Amendments to the Code of Fair Competition for the Fire Extinguishing Appliance Manufacturing Industry. In accordance with the requirements of the National Recovery Administration, due opportunity to be heard was afforded to all interested persons. No objections were filed.

The Amendments are designed, primarily, to correct certain obvious typographical errors, as well as to supply certain requirements which the Code lacked.

### FINDINGS

The Assistant Deputy Administrator in his final report to us on said Amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendment to said code and the code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, we have approved this Amendment.  
For the National Industrial Recovery Board:

By G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 10, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE FIRE EXTINGUISHING APPLIANCE MANUFACTURING INDUSTRY

Amend Article II by deleting Sections 1, 6, and 7, and renumbering the remaining Sections so that they will be 1 to 9 inclusive.

Amend Article II, old Section 10 (New Section 7) to read as follows:

SEC. 7. "The term 'Employee', as used herein, includes any and all persons engaged in the industry, however compensated, except a member of the industry."

Add a new Section 10 to read as follows:

SEC. 10. "The terms 'President', 'Act' and 'The National Industrial Recovery Board', as used herein, mean respectively the President of the United States, Title I of the National Industrial Recovery Act and the National Industrial Recovery Board."

Amend Article III, Section 3, to read as follows:

SEC. 3. "No employer shall knowingly permit any employee to work for any time which, when added to the time spent at work for another employer or employers in this Industry (or otherwise), exceeds the maximum permitted herein."

Amend Article IX—Wages, to read Article IV—Wages.

Amend Article V, Section 5, by deleting the present wording and substituting the following:

SEC. 5. No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

Amend Article V, Section 6, by deleting the present wording and substituting the following:

SEC. 6. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code.

Amend Article V, Section 7, by deleting the present wording and substituting the following:

SEC. 7. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every member of the industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the National Industrial Recovery Board.

Amend Article V by adding a new Section thereto, to read as follows:

SEC. 8. No employer shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of this Code.

Amend Article V by adding a new Section thereto, to read as follows:

SEC. 9. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment.

Amend Article VI, Section 2 (d) to read as follows:

(d) The Code Authority shall study conditions in the industry and shall make any recommendations from time to time to the National Industrial Recovery Board which it deems desirable to further the policies of the Act, including those specifically mentioned below, which upon approval of the National Industrial Recovery Board and after such hearing as may be prescribed shall become a part of this Code and shall have full force and effect as provisions hereof.

Amend Article VI by adding a new Section thereto, to read as follows:

SEC. 5. Groups of members of the Industry manufacturing a particular product or products having common interests and problems, may be grouped into product subdivisions by the Code Authority for administrative purposes. For each such product subdivision there shall be an Advisory Committee to assist the Code Authority in the administration of the affairs of such product subdivision, such Committee to be composed of two members of the product subdivision appointed or approved by the Code Authority, and one member of the Code Authority who shall act as Chairman.

Amend Article VII, Section 1, to read as follows:

SECTION 1. *Misrepresentation.*—Misrepresentation on a price list, quotation sheet, advertising matter, etc.: as to the average weight or any other feature of a product; or the use thereon of a misleading comparison with a competitive type of product. A misleading statement as to the business integrity, merchandise, policy, or financial standing of any competitor. Misrepresentation on a plate or a label or otherwise, either on the merchandise or on its carton, as to an exclusive patented, or other feature.

Amend Article VII, Section 2, to read as follows:

SEC. 2. *Faulty Invoicing.*—Fictitious invoicing of merchandise; or omission from an invoice of any of the special features of the product shipped against the invoice or of any of the terms pertaining to the sale. Allowing terms of payment more favorable than 2% cash discount 10th proximo or more favorable than net 30th proximo, or granting future invoice dating on any shipment of Code products (except to "distributors").

Amend Article VII, Section 8, to read as follows:

SEC. 8. *Excessive Warranties.*—Guaranteeing a product, whether voluntarily or on request, on conditions more favorable to the purchaser than the following: Freedom from defects in material and workmanship under the use and service for which the product is recommended by the manufacturer; obligation to replace or repair, f.o.b. manufacturer's factory, any part or parts returned to his factory, transportation charges prepaid, the manufacturer to be the judge of whether or not the alleged defect is present; no obligation for consequential damages or other items of expense which normally cannot be anticipated and equitably comprehended in original costs or selling prices.

Amend Article VII, Section 9, to read as follows:

SEC. 9 (a) *Discrimination Between Purchasers.*—Discrimination in prices or terms of sale between purchasers of the same class, whether by misclassification or otherwise.

(b) *Registration of Factory Branches and Distributors.*—Failure to promptly file with the Impartial Agency of the Code Authority a record of the establishment of a Factory Branch or of the appointment of a Distributor.

Amend Article VII, Section 10 (c), to read as follows:

(c) Giving a purchaser the benefit of lower prices on orders received prior to or on the effective date of a price increase duly filed pursuant to Article VIII of this Code, unless shipment is made within twenty (20) days (Sundays and holidays excluded) following the effective date of such price increase. A postmark on a letter or the filing time on a telegram shall be deemed the date of receipt thereof. Provided, however, that nothing in this paragraph (c) shall apply to a written order from the Federal Government or a State Government or a county or municipality; or to a written order for a specified quantity of Code products for a specified building or other construction project, if a record of such order is filed with the Secretary of the Association at the time of its acceptance.

Amend Article IX, Section 2, to read as follows:

SEC. 2. If the operation of any provision of this Code should interfere with the exercise of existing lawful patent rights or of rights under an existing lawful patent licensing agreement, any one affected thereby may apply to the Code Authority, which shall have power to grant an exemption, subject to the approval of the National Industrial Recovery Board.

Amend Article IX, Section 4, by deleting the present wording and substituting the following:

SEC. 4. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or nonfeasance.

Amend Article X, Section 3, to read as follows:

SEC. 3. Such of the provisions of this Code as are not required to be included therein by the Act may, with the approval of the National Industrial Recovery Board, be amended or eliminated as changes in circumstances or experiences may indicate. It is contemplated that from time to time supplementary provisions to this Code will be submitted for the approval of the National Industrial Recovery Board, including in particular, but without limitation thereto, supplementary provisions to prevent unfair competition in prices and other unfair or destructive competitive practices and to effectuate the other purposes and policies of Title I of the Act consistent with the provisions thereof.

Approved Code No. 366—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

RETAIL MONUMENT INDUSTRY

As Approved on October 10, 1934

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ORDER

APPROVING AMENDMENT OF THE CODE OF FAIR COMPETITION FOR THE  
RETAIL MONUMENT INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Retail Monument Industry, and an opportunity to be heard having been duly afforded all interested parties, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President;

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and a subsequent order to that effect is issued.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

ROBERT L. HOUSTON,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 10, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Retail Monument Industry. Said amendment is to be substituted for Section 7 of Article VI, and empowers the Code Authority to make collection of expenses of code administration for the members of the Industry.

Notice of Opportunity to be Heard has been issued to all interested parties; and no objections have been filed against the proposed amendment.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It finds that:

(a) The amendment to said code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons it has approved this amendment.

For the National Industrial Recovery Board:

By G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 10, 1934.



## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE RETAIL MONUMENT INDUSTRY

Amend Article VI, Section 7, by deleting and substituting in lieu thereof the following:

SECTION 7. *Expenses.*—(a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(2) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(3) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contribution, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Amend Article VI, Section 9 by deleting subsections (f) and (g) and designating subsections (h), (i) and (j) as (f), (g) and (h) respectively.

Approved Code No. 366—Amendment No. 1.  
Registry No. 1030-12.



**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**GUMMED LABEL AND EMBOSSED SEAL**  
**INDUSTRY**

**As Approved on October 11, 1934**

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**ORDER**

**APPROVING AMENDMENT TO THE CODE OF FAIR COMPETITION FOR THE**  
**GUMMED LABEL AND EMBOSSED SEAL INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Gummed Label and Embossed Seal Industry, and hearing having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said Amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATILEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 11, 1934*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment of the Code of Fair Competition for the Gummed Label and Embossed Seal Industry which was approved by you on February 17, 1934.

The effect of this amendment will enable the Code Authority to submit a budget and basis of assessment and give it the power to institute legal proceedings, if necessary, for the collection of said assessments.

The Deputy Administrator in his final report on said amendment of said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The Board finds that:

(a) The amendment of said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competition, promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to propose the amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

By G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 11, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE GUMMED LABEL AND EMBOSSED SEAL INDUSTRY

Delete Section 5 of Article II and in lieu thereof insert:

5. (a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

1. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

2. To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

3. After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 294—Amendment No. 1.  
Registry No. 404-09.



AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

TAPIOCA DRY PRODUCTS INDUSTRY

As Approved on October 11, 1934

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ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE  
TAPIOCA DRY PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Tapioca Dry Products Industry, and Notice of Opportunity to be Heard having been duly published thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, provided, however, that the following change be and it is hereby made:

Subsection 7 (g) of VI shall be deleted.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 11, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Notice of Opportunity to be Heard on the Amendment to the Code of Fair Competition for the Tapioca Dry Products Industry, submitted by the Code Authority for the said industry was published September 19, 1934, and expired October 4, 1934, in accordance with the provisions of the National Industrial Recovery Act.

The Amendment provides for the submission of a budget by the Code Authority and for compulsory contribution to said budget by members of the industry.

### FINDINGS

The Deputy Administrator in his final report on said Amendment having found as herein set forth and on the basis of all proceedings in this matter:

The Board finds that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said title of said act, including without limitation subsection (a) of section 3, subsection (a) of section 7 and subsection (b) of section 10 thereof.

(c) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

Therefore, said Amendment has been approved.

For the National Industrial Recovery Board:

By G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 11, 1934.



## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE TAPIOCA DRY PRODUCTS INDUSTRY

ARTICLE VI. Section 7 (f), shall be deleted.

ARTICLE VI. Section 5 shall be deleted and the following inserted in place thereof:

SECTION 5 (1). It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the National Industrial Recovery Board for its approval subject to such notice and opportunity to be heard as it may deem necessary

1. an itemized budget of its estimate expenses for the foregoing purposes, and

2. an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefore in its own name.

(2) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinbefore provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinbefore provided (unless duly exempted from making such contribution) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(3) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 328--Amendment No. 1.  
Registry No. 601-02.



Approved Code No. 483—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
ELECTRIC HOIST AND MONORAIL MANU-  
FACTURING INDUSTRY

As Approved on October 12, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
ELECTRIC HOIST AND MONORAIL MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Electric Hoist and Monorail Manufacturing Industry, and notice of opportunity to be heard thereon having been duly published, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 12, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the amendment to the Code of Fair Competition for the Electric Hoist and Monorail Manufacturing Industry, approved by the Administrator on July 13, 1934.

The amendment, which provides that the permanent Code Authority shall consist of seven (7) members of the Industry instead of six (6) as originally provided and that at least one (1) member of the Code Authority shall be a non-member of either of the two (2) sponsoring industrial associations, will improve the administration of this Code.

### FINDINGS

The Assistant Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in the matter, we find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving the standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Electric Hoist and Monorail Associations were and are Industrial Associations, truly representative of the aforesaid Industry and that said Associations imposed and impose no inequitable restrictions on admission to membership therein and have applied for this amendment.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, we have approved this amendment.  
For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 12, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE ELECTRIC HOIST AND MONORAIL MANUFACTURING INDUSTRY

Pursuant to Article XII, Section 2 of the Code of Fair Competition for the Electric Hoist and Monorail Manufacturing Industry, duly approved by the Administrator on July 13, 1934, and further to effectuate the policies of Title I of the National Industrial Recovery Act, the following amendment is established as a part of said Code of Fair Competition and shall be binding upon every member of the Electric Hoist and Monorail Manufacturing Industry.

### ARTICLE VI—ADMINISTRATION

Amend Article VI, by deleting Subsection (a), Section 1, and rewording subsection (a) to read as follows:

(a) During the period not to exceed sixty days following the effective date of this code, the Code Committee of the Electric Hoist Manufacturers Association and the Monorail Manufacturers Association shall constitute a temporary Code Authority consisting of six members, and one to three additional members, without vote, to be appointed by the National Industrial Recovery Board, if it should so desire. Such temporary Code Authority shall, within sixty days of the effective date, set up a permanent Code Authority to succeed such temporary Code Authority in effectuating the policies of the Act and to cooperate with the National Industrial Recovery Board in the administration of the Code.

The permanent Code Authority shall consist of seven members of the Industry. At least three members of the Code Authority shall be principally engaged in the manufacture of Electric Hoists; at least three members of the Code Authority shall be principally engaged in the manufacture of Monorail Equipment; and at least one member of the Code Authority shall be a non-member of the Electric Hoist Manufacturers Association or the Monorail Manufacturers Association who is engaged in the manufacture of either Electric Hoists or Monorail Equipment.

The Code Authority shall be elected at a meeting of employers called by the Electric Hoist Manufacturers Association and the Monorail Manufacturers Association any time within sixty days after the approval of this Code. Notice of such meeting shall be sent by telegraph and/or registered mail to all ascertainable employers in the Industry, and it shall specifically state the voting at the meeting may be in person, by letter ballot, or by proxy, and each employer shall be entitled to one vote. The seven employers eligible for election who receive the greatest number of votes shall constitute the Code Authority.

Approved Code No. 483—Amendment No. 1.  
Registry No. 1306-03.

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

INDUSTRIAL SAFETY EQUIPMENT INDUSTRY  
AND INDUSTRIAL SAFETY EQUIPMENT TRADE

As Approved on October 12, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
INDUSTRIAL SAFETY EQUIPMENT INDUSTRY AND INDUSTRIAL SAFETY  
EQUIPMENT TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Industrial Safety Equipment Industry and Industrial Safety Equipment Trade, and Opportunity to be Heard having been duly noticed, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President.

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended. Such approval and such amendment to take effect ten (10) days from the date hereof unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 12, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an Amendment to the Code of Fair Competition for the Industrial Safety Equipment Industry and Trade. In accordance with the requirements of the National Recovery Administration, due opportunity to be heard was afforded all interested persons. No objections were filed.

The amendment is designed to provide for the collection of Code Administration expenses in accordance with the requirements of Executive Order 6676, dated April 14, 1934.

### FINDINGS

The Assistant Deputy Administrator in his final report on said Amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The National Industrial Recovery Board finds that:

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Sub-section (a) of Section 3, Sub-section (a) of Section 7 and Sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Amendment on behalf of the Industry as a whole.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.



(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, therefore, the Board has approved this Amendment.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 12, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE INDUSTRIAL SAFETY EQUIPMENT INDUSTRY AND INDUSTRIAL SAFETY EQUIPMENT TRADE

Amend Article VII by deleting Section 5 and Section 7 (f) and substituting in lieu of said Section 7 (f) the following:

(f) 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry and trade.

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the industry and trade, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry and trade shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the industry and trade complying with the Code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contributions) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

4. Renumber Sections six (6) to twelve (12) inclusive to read Sections five (5) to eleven (11) inclusive.

Approved Code No. 315—Amendment No. 1.  
Registry No. 1399-24.

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**LYE INDUSTRY**

**As Approved on October 12, 1934**

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE LYE  
INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Lye Industry, and Notice of Opportunity to be Heard having been duly published thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended; provided, however, that the words "assents to and" in the second paragraph of subsection (a), Section 1, Article VI, shall be deleted.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.

*October 12 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Amendment to the Code of Fair Competition for the Lye Industry, which was approved by you February 19th, 1934.

The Amendment provides for the submission of a Budget by the Code Authority, and for compulsory contribution to said Budget by members of the Industry.

A Notice of Opportunity to be Heard on the said Amendment was submitted by the Code Authority for the said Industry and was published September 19th, 1934, and expired October 4th, 1934, in accordance with the provisions of the National Industrial Recovery Act.

### FINDINGS

The Deputy Administrator in his final report on said Amendment found as herein set forth, and on the basis of all the proceedings in this matter;

The Board finds that:

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said title of said act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Amendment on behalf of the Industry as a whole.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

Therefore, said Amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative officer.*

OCTOBER 12, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE LYE INDUSTRY

ARTICLE VI, Section 2(c), subsection 2 shall be eliminated and the following inserted in place thereof:

(2) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval subject to such notice and opportunity to be heard as he may deem necessary

1. an itemized budget of its estimated expenses for the foregoing purposes, and

2. an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefore in its own name.

(3) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinbefore provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinbefore provided (unless duly exempted from making such contributions) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(4) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 300—Amendment No. 1.  
Registry No. 699-02.

Approved Code No. 84R—Amendment No. 3

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION

FOR THE

SCREW MACHINE PRODUCTS MANUFACTURING  
INDUSTRY

As Approved on October 12, 1934

ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COM-  
PETITION FOR THE SCREW MACHINE PRODUCTS MANUFACTURING  
INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND  
METAL FINISHING AND METAL COATING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Recovery Act, approved June 16, 1933, for approval of an amendment to a Supplementary Code of Fair Competition for the Screw Machine Products Manufacturing Industry, and a Notice of Opportunity to be Heard having been duly given thereon, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Supplementary Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby modified to include an approval of said Supplementary Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 12, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an amendment of Article V of the Supplementary Code of Fair Competition for the Screw Machine Products Industry by the Supplementary Code Authority for that Industry.

The Supplementary Code as approved on April 28, 1934 provides in Article V, Section 1, paragraph C that it shall be an unfair trade practice to quote or contract other than subject to the Standard Terms and Conditions of Sale shown in Schedule B of the Supplementary Code which shall be set forth in full in a prominent place on all quotations and contracts.

The purpose of the present amendment is to liberalize this paragraph so that the terms of Schedule B may be incorporated by reference in such contracts.

### FINDINGS

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment of said Supplementary Code having found as herein set forth and on the basis of all proceedings in this matter:

It has been found that:

(a) The amendment of said Supplementary Code and the Supplementary Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of co-operative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Supplementary Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.



(c) The Supplementary Code empowers the Supplementary Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Supplementary Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, the amendment has been approved.  
For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 12, 1934.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION FOR THE SCREW MACHINE PRODUCTS  
MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND  
METAL FINISHING AND METAL COATING INDUSTRY

Amend Article V, Section 1, Paragraph C, as follows:

“To quote or contract other than subject to the Standard Terms and Conditions of Sale shown in Schedule B hereof, which shall be set forth in full in a prominent place on all quotations and contracts or incorporated therein by reference.”

Approved Code No. 84 R—Amendment No. 3.  
Registry No. 1104-11.

Approved Code No. 69—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

MILLINERY AND DRESS TRIMMING BRAID AND  
TEXTILE INDUSTRY

As Approved on October 15, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE MILLINERY AND DRESS TRIMMING BRAID AND TEXTILE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Millinery and Dress Trimming Braid and Textile Industry, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 15, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Code Authority for the Code of Fair Competition for the Millinery and Dress Trimming Braid and Textile Industry, has submitted a proposed amendment to this Code. After conferring with members of the Code Authority and representatives of the various advisory boards of the National Recovery Administration, a hearing was held on May 10, 1934, following which, revision of the amendment was made.

The proposed amendment changes the definition as it applies to this Industry under Article I, Section (a) of the Code to the extent that the words "made in major portion" are changed to read "made in whole or in any portion", in order that those members of other industries who have been prone to engage in the manufacture and/or distribution of products common to the Millinery and Dress Trimming Braid and Textile Industry shall not be able to determine the demarcation of the words "major portion" to their own benefit and thereby be exempted from provisions of the Code of Fair Competition for the Millinery and Dress Trimming Braid and Textile Industry.

The Deputy Administrator, in his final report to me on the amendment to said Code, having found as herein set forth and on the basis of all the proceedings in this matter:

It finds that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of objections to the free flow of interstate and foreign commerce, which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate Government sanction and supervision, by eliminating unfair competitive practices by promoting the fullest possible utilization of the productive capacity of industry, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment by improving standards of labor and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects to the pertinent provisions of said Title I of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7, and subsection (b) of Section 10 thereof.

(c) The amendment to the Code as amended is not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to the approval of said amendment.

For these reasons, this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 15, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE MILLINERY AND DRESS TRIMMING BRAID AND TEXTILE INDUSTRY

Amending Article I, Section (a) :

“The term ‘Millinery and Dress Trimming Braid and Textile Industry’ as used herein includes the manufacture and distribution by manufacturers of braids, narrow fabrics, banding, cloths, or textile fabrics, (except such fabrics, referred to in this section, as are manufactured in knitting plants principally engaged in the manufacture of products of the Knitted Outerwear Industry, in which case the distribution of said products shall be subject to the fair trade practice provisions of the Code of Fair Competition for this Industry), made in whole or in any portion of synthetic bands, films or filaments except rayon, (or similar yarn made from acetate) and not of wool, silk, cotton, or other natural fibres, for the use and consumption of the Millinery and Dress Trimming trades and such other branches or subdivisions as may from time to time be included under the provisions of this Code”.

Approved Code No. 69—Amendment No. 2.  
Registry No. 247-1-05.

Approved Code No. 177—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION .

FOR THE

SILVERWARE MANUFACTURING INDUSTRY

As Approved on October 15, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
SILVERWARE MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Silverware Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 15, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: The Code Authority for the Silverware Manufacturing Industry submitted on July 14, 1934, a request for the Amendment of their Code to provide for the mandatory collections of the expenses of the maintenance of the Code Authority from each member of the Industry on an equitable basis to be approved by the National Recovery Administration.

On July 19, a notice of opportunity to file criticisms, objections, or suggestions concerning said Amendment was issued. The replies thereto were given careful consideration and study.

The Deputy Administrator in his final report on said Amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operated to discriminate against them.



(c) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, this Amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 15, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SILVERWARE MANUFACTURING INDUSTRY

Article VII of the Code is amended by the following additions and deletions:

1. Subsection (d) of Section 1 is deleted completely.

2. Subsection (e) of Section 1 becomes Subsection (d) of Section 1.

3. Substitute for Subsection (g) of Section 2 the following:

(g) 1. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Advisory Board. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contributions,) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Industrial Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

4. Delete Section 3 and substitute therefor the following:

Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the National Industrial Recovery Board true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the National Industrial Recovery Board may deem necessary to effectuate the purposes of the Act.

Approved Code No. 177—Amendment No. 1.  
Registry No. 1223-1-02.



Approved Code No. 331—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

**BULK DRINKING STRAW, WRAPPED DRINKING STRAW, WRAPPED TOOTHPICK AND WRAPPED MANICURE STICK INDUSTRY**

As Approved on October 16, 1934

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ORDER

APPROVING AMENDMENTS TO THE CODE OF FAIR COMPETITION FOR BULK DRINKING STRAW, WRAPPED DRINKING STRAW, WRAPPED TOOTHPICK AND WRAPPED MANICURE STICK INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Bulk Drinking Straw, Wrapped Drinking Straw, Wrapped Toothpick and Wrapped Manicure Stick Industry, and hearing having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 16, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Glazed and Fancy Paper Industry, which was approved by you on February 1, 1934.

The effect of this amendment will enable the Code Authority to submit a budget and basis of assessment and give it the power to institute legal proceedings, if necessary, for the collection of said assessments.

The Deputy Administrator in his final report on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to propose the amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 16, 1934

AMENDMENT OF CODE OF FAIR COMPETITION FOR  
THE BULK DRINKING STRAW, WRAPPED DRINKING  
STRAW, WRAPPED TOOTHPICK AND WRAPPED MANI-  
CURE STICK INDUSTRY

Delete Section 5 of Article II and in lieu thereof insert:

5. (a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

1. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

2. To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

3. After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 331—Amendment No. 1.  
Registry No. 407-08.





Approved Code No. 1—Amendment No. 11

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**COTTON TEXTILE INDUSTRY**

As Approved on October 16, 1934

BY

**PRESIDENT ROOSEVELT**

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**EXECUTIVE ORDER**

**AMENDING CODE OF FAIR COMPETITION FOR THE COTTON TEXTILE  
INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act approved June 16, 1933, for approval of the amendment of certain provisions of the Code of Fair Competition for the Cotton Textile Industry, and in order to carry out the recommendations of the Board of Inquiry for the Cotton Textile Industry, created by Executive Order No. 6840, dated September 5, 1934, embodied in the report of said Board submitted to me September 17, 1934:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to authority vested in me by said Title I of the National Industrial Recovery Act, and otherwise, do find that said amendment and said Code as constituted after being amended, comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title, and do hereby order that said amendment be and it hereby approved, and that previous approval of the amended portions of the Code is hereby modified to include an approval of said portions of the Code in their entirety as amended.

**FRANKLIN D. ROOSEVELT.**

**THE WHITE HOUSE,**

*October 16, 1934.*

## AMENDMENT TO THE CODE OF FAIR COMPETITION FOR THE COTTON TEXTILE INDUSTRY

Section XVII of the Code of Fair Competition for the Cotton Textile Industry is hereby repealed and the following provisions shall be substituted therefor:

"XVII (1) The Textile Labor Relations Board shall appoint a Cotton Textile Work Assignment Board, to be composed of an impartial chairman, one representative of the employers subject to the Code of Fair Competition for the Cotton Textile Industry, and one representative of the employees in that Industry.

"(2) In order to provide opportunity to develop a sound method and adequate organization for the regulation of work assignments, no employer prior to February 1, 1935, shall make any change in work assignment of any class of employees which shall increase the effort required over that prevailing on September 21, 1934.

"During this period the number of looms, frames or other machines required to be tended by any class of employees shall not be increased where the character of the raw material, yarn, construction of cloth, preparatory processes, type of equipment used, or character of finish or put-up, is not changed. Where such changes do occur the number of machines tended by such employees may be increased or decreased in such manner as will not increase the amount of effort required of the worker.

"Where, during the period above referred to, a mill resumes the manufacture of any specific product which it has made within six months prior to September 21, 1934, and where the conditions of manufacture enumerated in the preceding paragraph are not changed, then the work load formerly used on such product shall be the guide in determining the proper work assignment.

"Where, on September 21, 1934, a new style of yarn or cloth or any other new type of product was in course of introduction or is thereafter during the period above referred to introduced into a mill or finishing plant, a tentative work load may be established during the period of determining a proper work load in accordance with the foregoing principles.

"(3) Prior to February 1, 1935, on petition of any employee or employer affected, or his representative, or on its own motion, the Cotton Textile Work Assignment Board may investigate any work assignment which has been increased since July 1, 1933, at any mill and the mill shall show the reasons for such increase. If after hearing the Board finds such assignment requires excessive effort it may require its reduction accordingly.

"(4) The Cotton Textile Work Assignment Board shall have authority to appoint district impartial chairmen and such other agents as it may select and to issue rules and regulations to carry out the foregoing provisions of this Section.

"(5) The Cotton Textile Work Assignment Board shall, subject to instructions of the President, make a study of actual operations in representative plants and report to the President as to a permanent plan for regulation of work assignments in the Industry."

Approved Code No. 248—Amendment No. 1

**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**GLAZED AND FANCY PAPER INDUSTRY**

**As Approved on October 16, 1934**

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**ORDER**

**APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE**  
**GLAZED AND FANCY PAPER INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Glazed and Fancy Paper Industry, and due notice and opportunity to be heard having been given thereon, and the annexed reports on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise: does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 16, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Glazed and Fancy Paper Industry, which was approved by you on February 1, 1934.

The effect of this amendment will enable the Code Authority to submit a budget and basis of assessment and give it the power to institute legal proceedings, if necessary, for the collection of said assessments.

The Deputy Administrator in his final report on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to propose the amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 16, 1934

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE GLAZED AND FANCY PAPER INDUSTRY

Delete Section 5 of Article II and in lieu thereof insert:

5. (a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

1. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

2. To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it deems necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

3. After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 248—Amendment No. 1.  
Registry No. 407-06.



Approved Code No. 293—Amendment No. 1

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

## GUMMING INDUSTRY

As Approved on October 16, 1934

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### ORDER

#### APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE GUMMING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Gumming Industry, and due notice and opportunity to be heard having been given thereon, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
October 16, 1934.

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Gumming Industry which was approved by you on February 17, 1934.

The effect of this amendment will enable the Code Authority to submit a budget and basis of assessment and give it the power to institute legal proceedings, if necessary, for the collection of said assessments.

The Deputy Administrator in his final report on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to propose the amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 16, 1934.



## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE GUMMING INDUSTRY

Delete Section 5 of Article II and in lieu thereof insert:

5. (a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

1. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

2. To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it deems necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

3. After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 293—Amendment No. 1.  
Registry No. 404-08.



Approved Code No. 120—Amendment No. 2

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**PAPER AND PULP INDUSTRY**

As Approved on October 16, 1934

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**ORDER**

**APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE  
PAPER AND PULP INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Paper and Pulp Industry, and due notice and opportunity to be heard having been given thereon, and the annexed report on said amendment, containing findings with respect thereto having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLE, *Acting Division Administrator.*

WASHINGTON, D. C.,  
October 16, 1934.

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Paper and Pulp Industry which was approved by you on November 17, 1933.

The effect of this amendment will enable the Code Authority to submit a budget and basis of assessment and give it the power to institute legal proceedings, if necessary, for the collection of said assessments.

The Deputy Administrator in his final report on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The Board finds that:

(a) The amendment of said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation, subsection (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to propose the amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 16, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE PAPER AND PULP INDUSTRY

Delete Section 4 of Article II and substitute therefor:

4. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act.

a. The Paper Industry Authority is authorized:

(1) to incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code; to submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary;

an itemized budget of its estimated expenses for the foregoing purposes, and

an equitable basis upon which the funds necessary to support such budget shall be contributed by Divisions of the Industry;

after such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all Divisions of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

b. Each Division Executive Authority is authorized:

(1) to incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(2) to submit through the Paper Industry Authority to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary

(a) an itemized budget of its estimated expenses for the foregoing purposes, including the pro-rata contribution to be made by it for the maintenance of the Paper Industry, and

(b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(3) after such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contributions as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Paper Industry Authority and the Executive Authorities, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing

to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contribution) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

The Paper Industry Authority or any Divisional Executive Authority shall neither incur nor pay any obligations substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency items for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

5. Until the Paper Industry Authority and/or the Executive Authority of each division shall have submitted its respective budget and basis of collection to the National Industrial Recovery Board for approval under Section 4 of this Article, and the same shall have been approved by the National Industrial Recovery Board, the expenses of administering this Code shall be apportioned among the various divisions and members in accordance with the formula already adopted by the Paper Industry Authority. Contributions under this Section are voluntary contributions.

Approved Code No. 120—Amendment No. 2.  
Registry No. 405-1-04.

Approved Code No. 371—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
SANITARY MILK BOTTLE CLOSURE INDUSTRY

As Approved on October 16, 1934

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ORDER

APPROVING AMENDMENTS TO THE CODE OF FAIR COMPETITION FOR THE  
SANITARY MILK BOTTLE CLOSURE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Sanitary Milk Bottle Closure Industry, and hearing having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 16, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment of the Code of Fair Competition for the Sanitary Milk Bottle Closure Industry which was approved by you on March 26, 1934.

The effect of this amendment will enable the Code Authority to submit a budget and basis of assessment and give it the power to institute legal proceedings, if necessary, for the collection of said assessments.

The Deputy Administrator in his final report on said amendment of said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The Board finds that:

(a) The amendment of said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to propose the amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 16, 1934.



## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SANITARY MILK BOTTLE CLOSURE INDUSTRY

Delete Section 8 of Article II and substitute therefor:

8. (a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

1. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

2. To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry.

3. After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 371—Amendment No. 1.  
Registry No. 1608-02B.



Approved Code No. 48—Amendment No. 3

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**SILK TEXTILE INDUSTRY**

As Approved on October 16, 1934

BY

**PRESIDENT ROOSEVELT**

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**EXECUTIVE ORDER**

**AMENDING CODE OF FAIR COMPETITION FOR THE SILK TEXTILE  
INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act approved June 16, 1933, for approval of the amendment of certain provisions of the Code of Fair Competition for the Silk Textile Industry, and in order to carry out the recommendations of the Board of Inquiry for the Cotton Textile Industry, created by Executive Order No. 6840, dated September 5, 1934, embodied in the report of said Board submitted to me September 17, 1934:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to authority vested in me by said Title I of the National Industrial Recovery Act, and otherwise, do find that said amendment and said Code as constituted after being amended, comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title, and do hereby order that said amendment be and it hereby is approved, and that previous approval of the amended portions of the Code is hereby modified to include an approval of said portions of the Code in their entirety as amended

**FRANKLIN D. ROOSEVELT.**

THE WHITE HOUSE,  
*October 16, 1934.*

## AMENDMENT TO THE CODE OF FAIR COMPETITION FOR THE SILK TEXTILE INDUSTRY

The Code of Fair Competition for the Silk Textile Industry shall be amended by adding at the end thereof, as Article XIII, the following provisions:

“XIII (1) The Textile Labor Relations Board shall appoint a Silk Textile Work Assignment Board, to be composed of an impartial chairman, one representative of the employers subject to the Code of Fair Competition for the Silk Textile Industry, and one representative of the employees in that Industry.

“(2) In order to provide opportunity to develop a sound method and adequate organization for the regulation of work assignments, no employer prior to February 1, 1935, shall make any change in work assignment of any class of employees which shall increase the effort required over that prevailing on September 21, 1934.

“During this period the number of looms, frames or other machines required to be tended by any class of employees shall not be increased where the character of the raw material, yarn, construction of cloth, preparatory processes, type of equipment used, or character of finish or put-up, is not changed. Where such changes do occur the number of machines tended by such employees may be increased or decreased in such manner as will not increase the amount of effort required of the worker.

“Where, during the period above referred to, a mill resumes the manufacture of any specific product which it has made within six months prior to September 21, 1934, and where the conditions of manufacture enumerated in the preceding paragraph are not changed, then the work load formerly used on such product shall be the guide in determining the proper work assignment.

“Where, on September 21, 1934, a new style of yarn or cloth or any other new type of product was in course of introduction or is thereafter during the period above referred to introduced into a mill or finishing plant, a tentative work load may be established during the period of determining a proper work load in accordance with the foregoing principles.

“(3) Prior to February 1, 1935, on petition of the Code Authority or of any employee or employer affected, or his representative, or on its own motion, the Silk Textile Work Assignment Board may investigate any work assignment which has been increased since July 1, 1933, at any mill and the mill shall show the reasons for such increase. If the Board finds after fair hearing such assignment requires excessive effort it may require its reduction accordingly.

“(4) The Silk Textile Work Assignment Board shall have authority to issue rules and regulations and to appoint such agents as it may select, who shall have authority to make investigations and recommendations in order to carry out the provisions of this Section.

“(5) The Silk Textile Work Assignment Board shall, subject to instructions of the President, make a study of actual operations in representative plants and report to the President as to a permanent plan for regulation of work assignments in the Industry.”

Approved Code No. 295—Amendment No. 1

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**WATERPROOF PAPER INDUSTRY**

**As Approved on October 16, 1934**

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
WATERPROOF PAPER INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Waterproof Paper Industry, and due notice and opportunity to be heard having been given thereon, and the annexed report on said amendment, containing findings with respect thereto having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLE, *Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 16, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment of the Code of Fair Competition for the Waterproof Paper Industry which was approved by you on February 17, 1934.

The effect of this amendment will enable the Code Authority to submit a budget and basis of assessment and give it the power to institute legal proceedings, if necessary, for the collection of said assessments.

The Deputy Administrator in his final report on said amendment of said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The Board finds that:

(a) The amendment of said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to propose the amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 16, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WATERPROOF PAPER INDUSTRY

Delete Section 5 of Article II and substitute therefor:

5. (a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

1. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

2. To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary, (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

3. After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 295—Amendment No. 1.  
Registry No. 406-11.





AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION

FOR THE

FORGED TOOL MANUFACTURING INDUSTRY

As Approved on October 17, 1934

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ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE FORGED TOOL MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of the amendment to the Supplementary Code of Fair Competition for the Forged Tool Manufacturing Industry, and opportunity to be heard thereon having been duly noticed and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order 6859, and otherwise; do hereby incorporate by reference said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and said Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 17, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Amendment of the Supplementary Code of Fair Competition for the Forged Tool Manufacturing Industry, a Division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry to incorporate the principles contained in Executive Order of April 14, 1934, relating to the expenses of Code Administration. This Amendment was proposed in accordance with Article X of the Code as approved on March 24, 1934, and Notice of Opportunity to be Heard was given from September 7 to September 21, 1934.

### FINDINGS

The Deputy Administrator in his final report to us on said Amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Amendment on behalf of the industry as a whole.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, this Amendment has been approved by us, subject, however, to a ten day waiting period as provided in the Order of Approval.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 17, 1934.

# AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE FORGED TOOL MANUFACTURING INDUSTRY

## A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

### PURPOSE

Pursuant to Article X of the Supplementary Code of Fair Competition for the Forged Tool Manufacturing Industry, a Division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry, duly approved by the Administrator on March 24, 1934, and further to effectuate the policies of Title I of the National Industrial Recovery Act, the following Amendment is established as a part of said Supplementary Code of Fair Competition and shall be binding upon every member of the Forged Tool Manufacturing Industry.

### AMENDMENT

Delete Section 4 of Article IV and Subsections g and h of Section 6 of Article IV and renumber Sections 5 and 6 of Article IV to become Sections 4 and 5 thereof respectively and reletter Subsection i of the new said Section 5 to become Section h thereof and substitute as Subsection g of the new Section 5 of Article IV the following:

Subsection g. (1) It being found necessary in order to support the administration of this Supplementary Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Supplementary Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplementary Code:

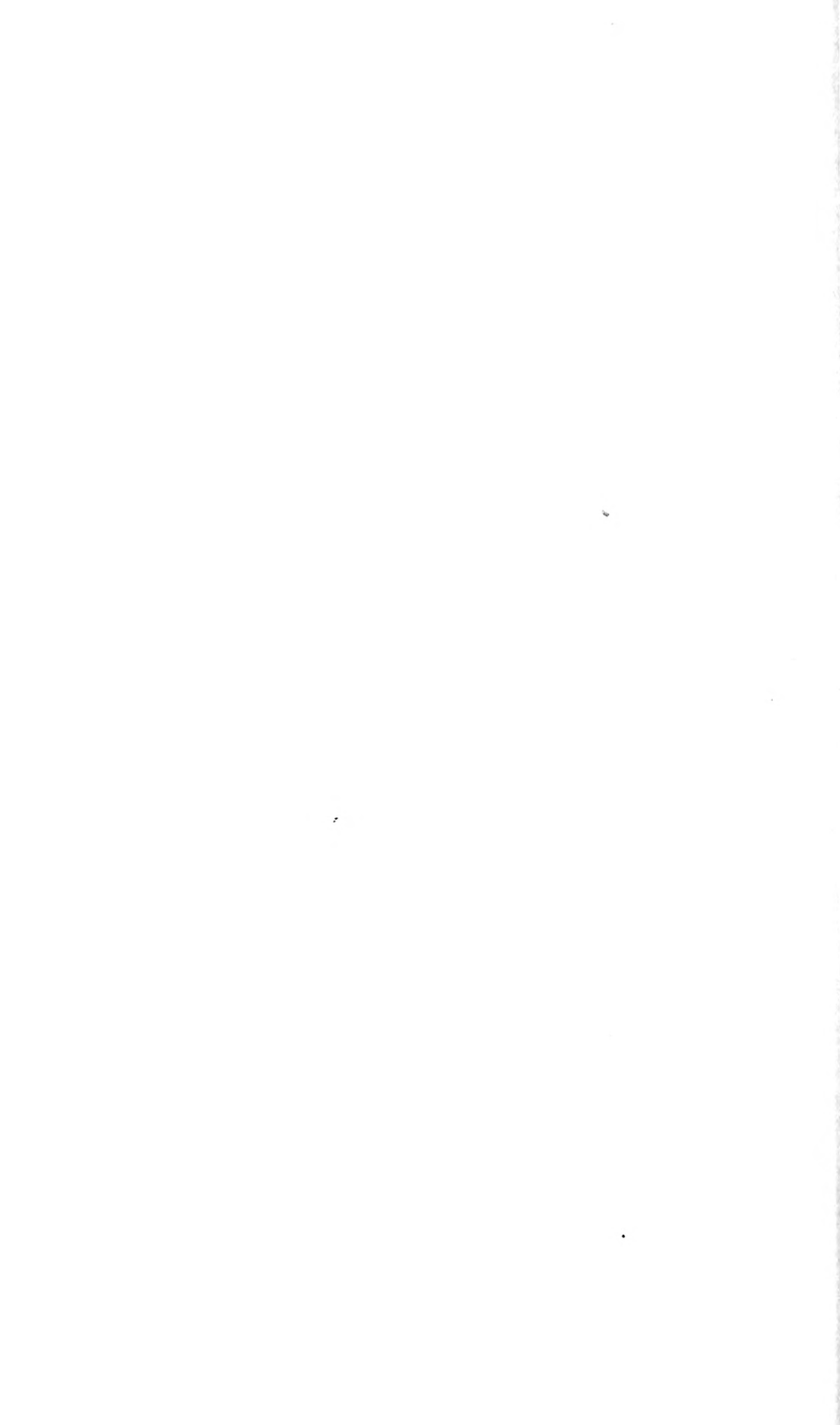
(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry:

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Supplementary Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Supplementary Code and contributing to the expenses of its administration as hereinabove provided (unless duly exempted from making such contributions), shall be entitled to participate in the selection of members of the Supplementary Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Supplementary Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 84I—Amendment No. 1.  
Registry No. 1149-29.



AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
WATCH CASE MANUFACTURING INDUSTRY

As Approved on October 17, 1934

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ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE  
WATCH CASE MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Watch Case Manufacturing Industry, and Notice of Opportunity to be Heard having been duly published thereon, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
October 17, 1934.

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an amendment to the Code of Fair Competition for the Watch Case Manufacturing Industry, submitted by the Code Authority for the Watch Case Manufacturing Industry.

The purpose and effect of the amendment are to authorize the Code Authority to submit a budget and basis of assessment upon which funds shall be contributed by members on the Industry.

The Deputy Administrator in his final report on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The amendment of said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the industries, by avoiding undue restrictions of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, therefore, this Amendment has been approved.  
For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 17, 1934.



## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WATCH CASE MANUFACTURING INDUSTRY

Article VI, Section 1, Sub-section (d), line seven, delete remainder of this Sub-section beginning with the words "provided that any person . . . ." and add a new Sub-section to Article VI, to be known as Sub-section 1 (e), as follows:

(e) 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry.

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinabove provided, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Industrial Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.



Approved Code No. 301—Amendment No. 1

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**SAMPLE CARD INDUSTRY**

As Approved on October 18, 1934

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**ORDER**

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
SAMPLE CARD INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Sample Card Industry and due notice and opportunity to be heard having been given thereon, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

JOSEPH F. BATTLEY,  
*Acting Division Administrator*.

WASHINGTON, D. C.,  
October 18, 1934.

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Sample Card Industry, which was approved by you on February 19, 1934.

The effect of this amendment will enable the Code Authority to submit a budget and basis of assessment and give it the power to institute legal proceedings, if necessary, for the collection of said assessments.

The Deputy Administrator in his final report on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to propose the amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 18, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SAMPLE CARD INDUSTRY

Delete Section 5 of Article II and substitute therefor:

5. (a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

1. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

2. To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry.

3. After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligations substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board, and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 301—Amendment No. 1.  
Registry No. 299-1-19.



AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION

FOR THE

AGRICULTURAL INSECTICIDE AND FUNGICIDE  
INDUSTRY

As Approved on October 19, 1934

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ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COM-  
PETITION FOR THE AGRICULTURAL INSECTICIDE AND FUNGICIDE  
INDUSTRY

A DIVISION OF THE CHEMICAL MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Supplementary Code of Fair Competition for the Agricultural Insecticide and Fungicide Industry, a division of the Chemical Manufacturing Industry, and Notice of Opportunity to be Heard having been duly published thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended; provided, however, that Section 7 (d) of Article IV be and it is hereby deleted.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLE, *Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 19, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to the Supplementary Code of Fair Competition for the Agricultural Insecticide and Fungicide, a Division of the Chemical Manufacturing Industry, which was approved by you on February 10, 1934.

The effect of this amendment will enable the Code Authority to submit a budget and basis of assessment and give it the power to institute legal proceedings, if necessary, for the collection of said assessments.

### FINDINGS

The Acting Deputy Administrator in his final report on said amendment of said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The Board finds that:

(a) The amendment of said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the afore-said amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For this reason this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*



# AMENDMENT TO CODE OF FAIR COMPETITION FOR THE AGRICULTURAL INSECTICIDE AND FUNGICIDE INDUSTRY

## A DIVISION OF THE CHEMICAL MANUFACTURING INDUSTRY

Article IV, Section 5 shall be deleted and the following inserted in place thereof:

"SECTION 5. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the National Industrial Recovery Board for their approval subject to such notice and opportunity to be heard as they may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinbefore provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinbefore provided (unless duly exempted from making such contributions) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 275A—Amendment No. 1.  
Registry No. 615-02.



**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**CHINAWARE AND PORCELAIN MANUFACTURING  
INDUSTRY**

As Approved on October 19, 1934

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
CHINAWARE AND PORCELAIN MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendment to the Code of Fair Competition for the Chinaware and Porcelain Manufacturing Industry, and as contained in a Published Notice of Opportunity to be Heard, Administrative Order No. 126-12, dated September 17, 1934, and no objections having been filed on said Published Notice, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, except that part of Section 3 of Article VI of said Code, which is as follows:

“provided that any person applying for such membership shall, in addition to the payment of such dues as are imposed and paid by all other members, accept a reasonable and equitable share of the cost of Code development and administration. Such members of the industry who do not choose to become members of any trade association or organized group may participate in the activities of the Code Authority, as herein provided, by paying to the Code Authority such proportionate part of the cost of Code development and administration as the Code Authority, subject to the Administrator's approval, shall prescribe as fair and equitable”,

is deleted inasmuch as it conflicts with the provisions of this amendment, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,  
*Division Administrator*.

WASHINGTON, D. C.,  
*October 19, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An Opportunity to be Heard on an Amendment to the Code of Fair Competition for the Chinaware and Porcelain Manufacturing Industry submitted by the Code Authority for that Industry, in accordance with the provisions of the National Industrial Recovery Act, has been afforded to all interested parties and no objections have been received to date.

The Amendment provides for the mandatory assessment for the expenses of the Code Authority and the limitation of liability of members of the Code Authority.

The Deputy Administrator in his final report to us on said Amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) That the amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, we have approved this amendment.  
For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 19, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CHINAWARE AND PORCELAIN MANUFACTURING IN- DUSTRY

Amend Article VI by adding a new Section 5.

SECTION 5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or non-feasance.

Amend Article VI by adding a new Section 6.

SECTION 6. 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contributions), shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its

approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 126—Amendment No. 2.  
Registry No. 1033-1-01.





AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

COAT AND SUIT INDUSTRY

As Approved on October 19, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE COAT  
AND SUIT INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to the amended Code of Fair Competition for the Coat and Suit Industry, and hearings having been duly held thereon and the annexed report on said amendments containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders, including Executive Order No. 6859 dated September 27, 1934, and otherwise, does hereby incorporate, by reference said annexed report and does find that said amendments and the amended Code as constituted after being amended comply in all respects with the pertinent provisions of said Act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said amended Code, is hereby amended to include an approval of said amended Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 19, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: On Friday, August 3, 1934, a Public Hearing was held to consider Amendments to the Code of Fair Competition for the Coat and Suit Industry. Such Amendments were based on the determinations made by the Fact Finding Commission. Said Fact Finding Commission was created by the Administrator to study the Wage Provisions of the Code as well as those provisions of the Code Setting differentials as between markets. Every person who requested a conference was fairly heard in public in accordance with regulations of the National Recovery Administration. There were present duly authorized representatives of the Fact Finding Commission, the Code Authority and other representative members of the Industry.

After careful study of the report of the Fact Finding Commission, and after Public Hearing and careful study of the record thereof, it was found:

1. That the existing basic differential between markets are correct and proper except in the case of Baltimore which should be transferred to the Eastern Area and which transfer is effected by the amendment herein of Article II Definitions Section VII of the Amended Code; and

2. That the principle of averages as included in this Code is sound and that a large degree of enforcement of these provisions has been effected. In view of the findings of the Commission on this subject, no change in the Code with respect to averages is desirable. A continuation by the Code Authority of its efforts to enforce averages should be productive of even better results; and

3. That a number of minor changes with respect to Apprentices, Semi-skilled Operators, etc. are called for and are embodied in these amendments to the Code in the new Article IV; and

4. That it seems desirable to extend to the relation between Jobbers and Contractors in markets other than New York City the provisions and practices governing these relations in the metropolitan area. The Code Authority is empowered in Article VI, 2A of the Code to promulgate with the approval of the Administrator, regulations to carry into effect the purposes and intent of this Article. The appropriate action should, therefore, come from the Code Authority.

In their final form these Amendments received the approval of the Industrial Advisory Board, the Labor Advisory Board, the Consumers' Advisory Board, the Legal Division and the Research and Planning Division of the National Recovery Administration.

The Deputy Administrator in his final report to us on said Amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The Amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Amendments on behalf of the industry as a whole.

(d) The Amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendments.

For these reasons, these Amendments have been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 19, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE COAT AND SUIT INDUSTRY

Article II, Section 7 shall be deleted and the following shall be added as Article II, Section 7:

### ARTICLE II—DEFINITIONS

SECTION 7. Two areas are hereby established; The Eastern Area shall include the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and West Virginia; the Western Area shall include all parts of the United States not included in the Eastern Area.

Article IV, Section 2 and Section 4 shall be deleted and the following shall be added as Article IV, Section 2:

### ARTICLE IV—WAGES

SECTION 2. *Eastern Area.*—On and after the effective date, manufacturing employees, for the Eastern Area, enumerated below, shall be paid not less than the following wage scale, for each full week's work:

	<i>Per Week</i>
Coat and Suit Cutter.....	\$47. 00
Samplemakers.....	40. 00
Examiners.....	36. 00
Drapers.....	29. 00
Begraders on Skirts.....	32. 00
Bushelmen who also do Pinning, Marking and general work on garments.....	36. 00

The employees in the crafts enumerated below shall work on a piece rate basis. They shall receive guaranteed minimum wages, not less than the following:

	<i>Per Hour</i>
Jacket, Coat, Reefer & Dress Operators, Male.....	\$1. 00
Jacket, Coat, Reefer & Dress Operators, Female.....	. 90
Skirt Operators, Male.....	. 90
Skirt Operators, Female.....	. 80
Piece Tailors.....	. 90
Reefer, Jacket and Coat Finishers.....	. 85
Jacket, Coat & Reefer Finishers' Helpers.....	. 63
Jacket, Coat, Reefer and Dress Upper Pressers.....	1. 00
Jacket, Coat, Reefer and Dress Under Pressers.....	. 90
Skirt Upper Pressers.....	. 90
Skirt Under Pressers.....	. 85
Skirt Basters.....	. 60
Skirt Finishers.....	. 60
Machine Pressers.....	1. 30

All manufacturers in the Eastern Area operating outside the limits of New York City shall operate on a scale of ten (10) percent less than provided herein for the Eastern Area.

In fixing piece work rates on garments, the same shall be computed on a basis to yield to the workers of average skill of the various crafts for each hour of continuous work, the following amounts:

	<i>Per Hour</i>
Jacket, Coat, Reefer & Dress Operators.....	1.50
Skirt Operators.....	1.40
Piece Tailors.....	1.30
Reefer, Jacket & Coat Finishers.....	1.25
Jacket, Coat & Reefer Finishers' Helpers.....	1.00
Jacket, Coat & Reefer & Dress Upper Pressers.....	1.35
Jacket, Coat & Reefer & Dress Under Pressers.....	1.25
Skirt Upper Pressers.....	1.25
Skirt Under Pressers.....	1.25
Skirt Basters.....	.80
Skirt Finishers.....	.70
Machine Pressers.....	1.80

*Western Area.*—On and after the effective date, manufacturing employees, for the Western Area, enumerated below, shall be paid not less than the following minimum wage scale, for each full week's work:

	<i>Per Week</i>
Coat and Suit Cutters.....	41.00
Semi-skilled Cutters.....	39.00
Cloth and/or Lining Pilers.....	33.00
Canvas Cutters.....	26.00
Sample Makers.....	40.00
Examiners.....	32.50

Apprentice Cutters: Employees may be classified as Apprentice Cutters for a period not to exceed twelve weeks, provided:

- (a) That such employees shall have had no previous experience in the industry; and
- (b) That they shall be paid at the following rates:

For the first 4 weeks.....	\$22.00 per week
For the second 4 weeks.....	23.00 per week
For the third 4 weeks.....	25.00 per week

And thereafter at not less than the minimum rate set forth above for the craft in which they are employed.

The employees in the crafts enumerated below shall work on a piece-rate basis. They shall receive guaranteed minimum wages, not less than the following:

	<i>Male per hour</i>
Jacket, Coat, Reefer & Dress Operators.....	.85
Skirt Operators.....	.75
Jacket, Coat, Reefer & Dress Upper Pressers.....	.85
Jacket, Coat, Reefer & Dress Under Pressers.....	.77
Jacket, Coat, Reefer & Dress Part Pressers.....	.65
Jacket, Coat, Reefer Finishers.....	.75

Apprentices in the above classification may be employed for a period not to exceed twelve weeks, provided:

- (a) That such employees shall have had no previous experience in the industry; and
- (b) That they shall be paid at the following rates:

	First 4 weeks per hour	Second 4 weeks per hour	Third 4 weeks per hour
Jacket, Coat, Reefer & Dress Operators and Jacket, Coat, Reefer & Dress Upper Pressers.....	.60	.65	.75
Skirt Operators and Jacket, Coat, Reefer & Dress Under Pressers Jacket, Coat, Reefer & Dress Finishers.....	.60	.65	.70
Jackets, Coats, Reefer & Dress Part Pressers.....	.60	.65	.65

and thereafter, at not less than the wage rate set herein for their respective crafts.

	<i>Female per hour</i>
Jacket, Coat, Reefer & Dress Operators.....	.75
Jacket, Coat, Reefer & Dress Operators (semi-skilled).....	.62

Provided, however, that in any shop only one Female Semi-skilled Operator may be employed for every Female Skilled Operator.

Skirt Operators.....	.70
Lining Ironers.....	.60
Jacket, Coat, Reefer & Dress Finishers.....	.63
Jacket, Coat, Reefer Finishers' Helpers.....	.53
Jacket, Coat, Reefer Skirt Buttonsewers.....	.53

Apprentices in the above classifications may be employed for a period not to exceed twelve (12) weeks provided:

(a) That such employees shall have had no previous experience in the industry; and

(b) That they shall be paid at the following rates:

	First 4 weeks per hour	Second 4 weeks per hour	Third 4 weeks per hour
Jacket, Coat, Reefer & Dress Operators and Skirt Operators and Lining Operators.....	.47	.53	.60
Jacket, Coat, Reefer & Dress Operators (Semi-skilled) and Jacket, Coat, Reefer & Dress Finishers.....	.47	.53	.58
Jacket, Coat, Reefer Finishers' Helpers and Jacket, Coat, Reefer & Skirt Button Sewers.....	.47	.50	.53

and thereafter at not less than the wage rates set herein for their respective crafts.

In fixing piece-work rates on garments, the same shall be computed on a basis to yield to the worker of average skill of the various crafts for each hour of continuous work the following amounts:

	<i>Male per hour</i>
Jacket, Coat, Reefer & Dress Operators.....	1.26
Skirt Operators.....	1.15
Jacket, Coat, Reefer & Dress Upper Pressers.....	1.26
Jacket, Coat, Reefer & Dress Under Pressers.....	1.15
Jacket, Coat, Reefer & Dress Part Pressers.....	.92
Jacket, Coat, Reefer Finishers.....	1.10

	<i>Female per hour</i>
Jacket, Coat, Reefer & Dress Operators.....	.95
Jacket, Coat, Reefer & Dress Operators (Semi-skilled).....	.88
Skirt Operators.....	.90
Lining Ironers.....	.82
Jacket, Coat, Reefer & Dress Finishers.....	.84
Jacket, Coat, Reefer & Dress Finishers' Helpers.....	.70
Jacket, Coat, Reefer & Skirt Buttonsewers.....	.70

Approved Code No. 5—Amendment No. 2.

Registry No. 215-1-10.

**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**LUMBER AND TIMBER PRODUCTS INDUSTRY**  
**As Approved on October 19, 1934**

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
LUMBER AND TIMBER PRODUCTS INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Lumber and Timber Products Industries, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 19, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: On August 19, 1933, you approved a Code of Fair Competition for the Lumber and Timber Products Industries.

This is a report on Lumber Code Authority Amendment Number 73, a public hearing on which was conducted at the Mayflower Hotel, Washington, D. C., on July 31, 1934, in accordance with the provisions of the National Industrial Recovery Act.

The Amendment contemplates the deletion of Article XV of the Lumber and Timber Products Industries Code.

At the hearing it developed that due to previous amendments to the Code, the Article is unnecessary, and that enforcement under the Code would be simplified, and the Code itself and other provisions of the Code would be clarified by deletion of the Article in question.

The Deputy Administrator in his final report to us on said Amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter;

We find that:

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by including and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restrictions of productions (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Amendment on behalf of the industry as a whole.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.



(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, therefore, we have approved this Amendment to the Code.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 19, 1934.

AMENDMENTS TO CODE OF FAIR COMPETITION FOR  
THE LUMBER AND TIMBER PRODUCTS INDUSTRY

Amend the Code of Fair Competition for the Lumber and Timber Products Industries as follows:

Delete therefrom Article XV and renumber Articles XVI to XIX, inclusive, as Articles XV to XVIII, inclusive.

Approved Code No. 9—Amendment No. 24.

Registry No. 313-1-06.

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**MOTOR VEHICLE RETAILING TRADE**

As Approved on October 10, 1934

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE MOTOR  
VEHICLE RETAILING TRADE**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Motor Vehicle Retailing Trade, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment of said Code be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended; provided, however, that pending the designation of an impartial agency or person as set forth in Section 1 of this amendment, the Compliance Division of the National Recovery Administration be, and is hereby designated as the agency to determine whether the wage and/or hour and/or labor provisions of this Code have been violated so as to make operative the provisions of subsection (a), (b) and (c) of Section 1 of this amendment; and provided further, that amounts paid or collected in all instances wherein the provisions of subsections (d) and (e) of Section 1 of this amendment become operative in any of the several code states established

as set forth in Title A of this Article V, shall be distributed in the code state where the violation occurred in accordance with the method prescribed in Section 2 of this amendment.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 19, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Motor Vehicle Retailing Trade, submitted by the National Control Committee on behalf of the Emergency National Committee.

The purpose and effect of the amendment are to permit such committees under the Code, who qualify with the requirements contained in the amendment, to endeavor to secure compliance with the provisions of the Code without immediate recourse to the Federal channels of law enforcement as provided for in the National Industrial Recovery Act.

### FINDINGS

The Deputy Administrator in his final report to us on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, the Board has approved this amendment.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 19, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE MOTOR VEHICLE RETAILING TRADE

To include in and add to, Article V, the following to be known as Title C—Liquidated Damages.

### TITLE C—LIQUIDATED DAMAGES

Recognizing that the violation by a member of any provision of this code will disrupt the normal course of fair competition in the trade and cause serious damage to others, and that it will be impossible accurately to determine the amount of such damage, it is hereby provided that those members who may desire to do so may enter into an agreement among themselves embodying the following provisions:

1. Each member violating any provision of this code shall pay to the Treasurer of the Code Authority, as an individual and not as Treasurer, in trust, as and for liquidated damages, upon determination of violation by the Administrator, or any impartial agency or person nominated by the Code Authority or designated by the assenters to this agreement and approved by the Administrator, amounts as set forth below:

(a) For the violation of any wage provision, an amount equal to the difference between the wages which have been paid and the wages which would have been paid if the member had complied with the applicable provisions of the code;

(b) For the violation of any hour provision, an amount equal to the wages payable for the overtime at the regular rate payable under the terms of the code, to the employee or employees who worked overtime;

(c) For the violation of any labor provision of the code other than an hour or wage provision, One Hundred Dollars;

(d) For the violation of any provision of the code (other than a labor provision) involving a transaction incidental to or connected with a sale of any product of the trade, an amount equal to 25 percent of the actual selling price of the product sold in violation of any such provision, or of the price at which the product should have been sold under the code, if determinable, whichever is the higher;

(e) For the violation of any provision of the code (other than a labor provision) not involving a transaction incidental to or connected with a sale of any product of the trade, One Hundred Dollars.

2. All amounts so paid to or collected by the Treasurer of the Code Authority, under the provisions of this Article, shall be applied by him as follows: First, if the violation shall have been of a labor provision of the code, equitable distribution of all damages paid therefor shall be made among all employees directly affected by such violation; Second, if the violation shall have been of a code provision other

than a labor provision, the damages arising therefrom shall be utilized to defray proper expenses of code administration, and the balance, if any, remaining in the hands of the Treasurer shall be distributed semi-annually among members of the trade who have assented hereto and who have not been determined to have been guilty of a violation of a code provision during the preceding semi-annual period, on the basis of the most recent assessment made against members of the trade for the expense of code administration.

3. Assent to this Article by any member shall be evidenced by a signed statement signifying assent, filed with the Code Authority. Failure to assent to this Article shall not deprive any member of any other right or privilege under the Code. By so assenting, each member agrees with every other member and the Treasurer, individually (1) that violation of a code provision shall breach this agreement and shall render the violator liable for the payment of liquidated damages as herein provided, (2) all rights and causes of action arising hereunder are assigned to the Treasurer, individually and in trust, and (3) that the Treasurer, as such assignee and as attorney in fact for each assenting member, may take all proper legal action concerning damages found due hereunder.

4. The Code Authority may waive liability for payment of liquidated damages for any violation it finds to have been innocently made and resulting in no material injury.

5. The Treasurer of the Code Authority, as an individual, and not as Treasurer, by accepting office, accepts the trust established by this contract and agrees to perform the duties of Trustee hereunder until his successor in office may have been appointed.

6. Nothing contained herein shall be construed or applied to (a) deprive any person of any right or right of action arising out of this code, or (b) relieve any member of the trade from any contractual or legal obligation arising out of this code or of the Act or otherwise; nor shall violation of this agreement by an assenting member be deemed a violation of the code, so as to subject the violator to any consequence arising under Section 3(b), Section 3(c), or Section 3(f) of the National Industrial Recovery Act, nor to any criminal prosecution of any kind.

Approved Code No. 46—Amendment No. 3.  
Registry No. 1403-32.



Approved Code No. 79—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

NOVELTY CURTAINS, DRAPERIES, BEDSPREADS  
AND NOVELTY PILLOWS INDUSTRY

As Approved on October 19, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
NOVELTY CURTAINS, DRAPERIES, BEDSPREADS AND NOVELTY PILLOWS  
INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Novelty Curtains, Draperies, Bedspreads and Novelty Pillows Industry and an opportunity to file objections thereon having been given and the annexed report on said amendment, containing findings with respect thereto having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD.  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator*.

WASHINGTON, D. C.,  
October 19, 1934.

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Novelty Curtains, Draperies, Bedspreads and Novelty Pillows Manufacturing Industry. The amendment which is attached was presented by the Code Authority.

Notice of opportunity to be heard was given and no objections have been received.

Section 5 of Article VI is amended to provide that official NRA labels shall be used on all the products of the Industry.

### FINDINGS

The Deputy Administrator in his final report on said amendment to said Code having found as herein set forth and on the basis of all proceedings in this matter:

We find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 19, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR  
THE NOVELTY CURTAINS, DRAPERIES, BEDSPREADS  
AND NOVELTY PILLOWS INDUSTRY

Section 5 of Article VI shall be amended to read as follows:

“Subject to all rules, regulations and orders concerning the issuance and/or use of labels heretofore or hereafter prescribed by the National Industrial Recovery Board, all members of the Industry shall affix to all their products official labels issued by the Code Authority bearing thereon the NRA insignia.”

Approved Code No. 79—Amendment No. 3.  
Registry No. 226-1-06.

Approved Code No. 285—Amendment No. 2

**AMENDMENT TO CODE OF FAIR COMPETITION**

**FOR THE**

**RAILWAY CAR BUILDING INDUSTRY**

**As Approved on October 19, 1934**

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
RAILWAY CAR BUILDING INDUSTRY**

WHEREAS, the Code of Fair Competition for the Railway Car Building Industry was approved by the Administrator for Industrial Recovery the 16th day of February, 1934, upon certain conditions stipulated in the Order of Approval; and

WHEREAS, one of such conditions was that the words "and their respective staffs", as contained in Article III, Section 2 (a), and Article IV, Section 5, be deleted therefrom; and

WHEREAS, it appears to the satisfaction of the National Industrial Recovery Board that the said condition should be amended;

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to the authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby order that the said condition of the Order of Approval of the said Code be as follows:

That the words "and their respective staffs", as contained in Article III, Section 2 (a), and Article IV, Section 5, be deleted therefrom, and that there should be substituted therefor the words "and their immediate staffs".

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 19, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Code of Fair Competition for the Railway Car Building Industry was approved on February 16, 1934. In the Order of Approval the words "and their respective staffs", as contained in Article III, Section 2 (a) and Article IV, Section 5, were deleted from the Code. In assenting to the Code as amended by the Order of Approval above mentioned, the Code Committee of the American Railway Car Institute assented to the substitution of the words "and their immediate staffs" for the words "and their respective staffs" as they appeared in Article III, Section 2 (a) and Article IV, Section 5. This assent was recognized by the Administrator for Industrial Recovery, but in the preparation of the Order the words "and their immediate staffs" were omitted. The attached Order has been prepared to correct this omission.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to the Order approving said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The amendment to said Order approving said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices by promoting the fullest possible utilization of the present productive capacity of industry, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The amendment to the Order approving the Code and the Code as amended comply in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment to the Order approving the Code and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment to the Order approving the Code and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, this Order has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 19, 1934.

Approved Code No. 285—Amendment No. 2.

Registry No. 1414-05.





Approved Code No. 383—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

WOOD TURNING AND SHAPING INDUSTRIES

As Approved on October 19, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE WOOD  
TURNING AND SHAPING INDUSTRIES

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Wood Turning and Shaping Industries, and due consideration having been given thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment complies in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act; and does hereby order that said amendment be and it is hereby approved.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,  
*Acting Division Administrator*.

WASHINGTON, D. C.,  
*October 19, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Wood Turning and Shaping Industries, which has been submitted in accordance with Executive Order No. 6678.

This amendment enables the Code Authority to incur such reasonable obligations as are necessary to support the administration of the code and to maintain the standards of fair competition established by this code. It also enables the Code Authority to submit an itemized budget, and an equitable basis upon which the funds necessary to support such budget shall be contributed by the members of the industry. Such contributions are made mandatory by this amendment.

The Deputy Administrator in his final report to us on said amendment of said code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendment to said code and the code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For the above reasons this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 19, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WOOD TURNING AND SHAPING INDUSTRIES

Delete present Article VI, Section 6, Part A, and substitute in lieu thereof the following:

1. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contributions as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expense of its administration as hereinabove provided, unless duly exempted from making such contribution, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 383—Amendment No. 1.  
Registry No. 330-02.

Approved Code No. 115—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

WOOD PLUG INDUSTRY

As Approved on October 20, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
WOOD PLUG INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Wood Plug Industry, and due consideration having been given thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment complies in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said code is hereby amended to include an approval of said code in its entirety as amended, such approval and such amendment to take effect ten days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,

*Acting Division Administrator.*

WASHINGTON, D. C.,

*October 20, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the amendment to the Code of Fair Competition for the Wood Plug Industry, which has been submitted in accordance with Executive Order No. 6678.

This amendment enables the Code Authority to incur such reasonable obligations as are necessary to support the administration of the code and to maintain the standards of fair competition established by this code. It also enables the Code Authority to submit an itemized budget, and an equitable basis upon which the funds necessary to support such budget shall be contributed by the members of the industry. Such contributions are made mandatory by this amendment.

The Deputy Administrator in his final report to us on said amendment of said code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendment of said code and the code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, Sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The amendment and the code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 20, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WOOD PLUG INDUSTRY

Delete subsection (e) of Section 2, Article VI, and insert in lieu thereof the following:

### Paragraph 1.—

It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(c) After such budget and basis of contribution have been approved by the said Board, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary to institute legal proceedings therefor in its own name.

### Paragraph 2.—

Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contribution, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

### Paragraph 3.—

The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the said Board shall have so approved.





Approved Code No. 8—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

LEGITIMATE FULL LENGTH DRAMATIC AND  
MUSICAL THEATRICAL INDUSTRY

As Approved on October 22, 1934

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ORDER

AMENDED CODE OF FAIR COMPETITION FOR THE LEGITIMATE FULL  
LENGTH DRAMATIC AND MUSICAL THEATRICAL INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an Amended Code of Fair Competition for the Legitimate Full Length Dramatic and Musical Theatrical Industry, and hearing having been duly held thereon and the annexed report on said Amended Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said Amended Code complies in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act; and does hereby order that said Amended Code of Fair Competition be and it is hereby approved; superseding, upon its effective date, the Code of Fair Competition for said Industry approved upon the 16th day of August, 1933; subject to the following condition:

(1) The following named persons are hereby appointed to serve without expense to the Administration as representatives of the interests of the theatre managers, the theatre ticket brokers and the consumers, to study the operation and effect of Article VIII, of said Amended Code; to determine whether said provisions fully effectuate the purpose contained in said Article; to receive and study all recommendations and amendments designed to effectuate said Article; and to make a report and recommendations based on the results of its

investigations to the National Industrial Recovery Board within sixty (60) days of the date hereof:

Lee Shubert, 225 West 44th Street, New York, N. Y.

Brock Pemberton, 251 West 45th Street, New York, N. Y.

William McBride, 1493 Broadway, New York, N. Y.

Morris Rosenstien, 229 West 42nd Street, New York, N. Y.

Paul Shields, 44 Wall Street, New York, N. Y.

Philip Wittenberg, 70 West 40th Street, New York, N. Y.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By S. CLAY WILLIAMS, *Chairman.*

Approval recommended:

SOL A. ROSENBLATT,

*Division Administrator.*

WASHINGTON, D. C.,

*October 22, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is the report of the National Industrial Recovery Board on the application for public hearing on a Code of Fair Competition for the Legitimate Full Length Dramatic and Musical Theatrical Industry, conducted in the Carlton Room of the Carlton Hotel in Washington, D. C. on March 28, 29 and April 10, 1934. Every person who requested an appearance was freely heard in accordance with statutory and regulatory requirements set forth in the National Industrial Recovery Act.

This Code on the effective date will supersede the Code for the named Industry which was approved by you on August 16, 1933.

The National Association of the Legitimate Theatre, Incorporated, and the League of New York Theatres, Incorporated, claim to represent more than ninety-five percent of the employers managing or owning legitimate theatres or managing or producing full length dramatic or musical plays. The National Dramatic Stock Association claims to have on its roster more than sixty percent of the persons engaged in the management or production of full length dramatic or musical stock plays.

### RÉSUMÉ OF CODE PROVISIONS

This Code which will supersede the Code approved August 16, 1933, serves the interest of labor by an upward revision of minimum wages and the insertion of maximum hour provisions for employees not heretofore embraced, will minimize explanations and interpretations and will aid any plan of effectuating self government within the Industry.

The following is an analysis of the various provisions of this Code as compared to the Code approved August 16, 1933, which it will supersede:

#### HOURS

For the first time in the history of the legitimate theatre there is a limit to the rehearsal period. No actor or member of the chorus is permitted to rehearse more than eight consecutive hours a day or seven hours a day, respectively. The rehearsal provision is relaxed nevertheless during the seven days preceding the first public performance.

Watchmen, clerical and office employees and scenic artists are now limited to a maximum hour work week and protected by a minimum wage. All labor employed in the Industry is now protected by minimum wages and maximum hours.

## WAGES

There has been an upward revision of minimum wages paid to actors who have had less than two years' theatrical experience. Some of the actors in this classification will receive seventeen and two-thirds percent increase in wages even if they are paid only the minimum.

Classification of minimum wages in relation to the size of the city in which the stock company production is carried on is now eliminated.

Company managers receive a twenty percent increase in the minimum wage along with stock company treasurers, while stock company managers receive a thirty-seven and one-half percent increase in the minimum wage.

The minimum hourly rate for an usher, ticket taker, scrub woman, theatre attendant, porter or any other employee is increased by twenty-five percent. This provision also demands that time and one-half the hourly rate of pay be given to the above named employees for every hour worked in excess of seven hours in any one day.

Employees working in a cooperative production are benefited by a provision which guarantees the same minimum wage specified for employees working in a regular production.

## GENERAL LABOR PROVISIONS

It is provided that where more stringent requirements as to the age of employees and working conditions are provided for by existing State and Federal statute, such statute shall supersede that section in the Code.

An employee is protected from being dismissed or demoted by reason of making a complaint or giving evidence with respect to an alleged violation of the Code.

Employers are prohibited from withholding wages and exacting fines.

## CODE AUTHORITY

The interest of the employee is very well protected by Code Authority representation. It is specifically provided that with a Code Authority of twelve, six shall represent the various labor groups within the Industry. In addition to the membership of twelve on the Code Authority, it is also provided that there may be appointed two members whose duty it shall be to safeguard the interests of the consumer and an Administration Member.

In order to administer the provisions of the Code more effectively it is provided that regional code authorities may be organized.

## TRADE PRACTICE RULES

The Trade Practice Rules were clarified to minimize explanations and interpretations of provisions.

## TICKET PROVISIONS

It is recognized that some of the methods and practices employed in the distribution and sale of theatre tickets have heretofore resulted in evils and abuses. After months of study, ticket provisions which should eliminate these abuses have been incorporated in the Code.

As a prerequisite for handling tickets under the Code, a ticket agent must be licensed by the Code Authority. No ticket agent may use any subterfuge in his business dealings with members of the Industry and the public. Each ticket agent must also post a bond before the license is granted and the bond is subject to forfeiture if after due hearing the Code Authority should find the agent guilty of an infraction. The ruling of the Code Authority is, however, subject to the disapproval of the National Industrial Recovery Board. It is provided as before that each producer be required to keep twenty-five percent of his tickets in the box office for public sale. No agency is allowed to charge more than seventy-five cents in excess of the regular or box office price of tickets nor can any agency sell the tickets of a producer who has been found guilty of violating the Code ticket provisions.

## FINDINGS

The Deputy Administrator in his final report on said Amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter the National Industrial Recovery Board finds that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said title of said act, including without limitation subsection (a) of section 3, subsection (a) of section 7 and subsection (b) of section 10 thereof.

(c) The National Association of the Legitimate Theatre, Incorporated and the League of New York Theatres, Incorporated were and are industrial associations, truly representative of the aforesaid Industry and that said associations imposed and imposes no inequitable restrictions on admission to membership therein and have consented to this Amendment.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amended Code has been approved.

For the National Industrial Recovery Board:

S. CLAY WILLIAMS,  
*Chairman.*

OCTOBER 22, 1934.

# AMENDED CODE OF FAIR COMPETITION FOR THE LEGITIMATE FULL LENGTH DRAMATIC AND MU- SICAL THEATRICAL INDUSTRY

## ARTICLE I—PURPOSES

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Legitimate Full Length Dramatic and Musical Theatrical Industry, and its provisions shall be the standard of fair competition for such Industry and be binding upon every member thereof, superseding the Code of Fair Competition for this Industry approved on the 16th day of August, 1933.

## ARTICLE II—DEFINITIONS

1. The term "Legitimate Full Length Dramatic and Musical Theatrical Industry", or "Industry", as used herein, includes all activities normally related to the production and presentation of full length theatrical performances of dramatic and musical plays and does not include grand opera, ballet, vaudeville, presentation, amateur theatre, "rep" show, "tab" show, tent show, wagon show, chautauqua, showboat, burlesque, or motion or sound picture performances.

2. The term "stock" or "stock companies" as used herein include (a) legitimate theatrical performances of dramatic or musical plays previously produced which are changed at frequent regular intervals and rendered by a resident company of actors; and, (b) the occasional performance for a limited time of plays not previously produced; and, (c) the interchange between two or more theatres of stock or stock companies commonly known in the Industry as "circuit" or "rotary stock."

3. The term "member of the Industry" includes but without limitation any individual, partnership, association, corporation or other form of enterprise engaged in the management or ownership of theatres presenting, or the management of, or production of, full length dramatic or musical plays, whether so engaged directly or indirectly or through agents.

4. The term "employee" as used herein includes any and all persons engaged in the Industry, however and by whomsoever compensated.

5. The term "employer" as used herein, includes anyone by whom such employee is compensated or employed.

6. Actors shall be classed as Juniors and Seniors. An actor shall be classed as "Junior" for two years after his first public performance in a legitimate or stock production; thereafter such actor shall be classed as "Senior".

7. The terms "President", "Act", and "Board" as used herein mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the National Industrial Recovery Board.

8. Population for the purposes of this Code shall be determined by reference to the latest Federal Census.

### ARTICLE III—HOURS

1. No actor or member of the chorus shall be permitted to work in excess of forty (40) hours in any one week except as hereinafter otherwise provided.

2. No actor in a dramatic play shall be permitted to rehearse during rehearsal period more than a maximum of eight (8) hours a day, one (1) hour of which shall be free time for lunch or dinner. The eight (8) hours shall be consecutive and shall commence with the time of rehearsal call for each actor. The limitations imposed by this section shall not apply during the last seven (7) days of rehearsal nor after the first public performance. Employers shall not abuse this rehearsal privilege.

3. No actor or member of the chorus in a musical play shall be permitted to rehearse during rehearsal period more than a maximum of seven (7) hours a day in any period of ten (10) consecutive hours commencing with the time of rehearsal call for each actor or member of the chorus. The limitations imposed by this section shall not apply during the last seven (7) days of rehearsal nor after the first public performance. Employers shall not abuse this rehearsal privilege.

4. No theatrical stage employee, motion picture machine operator, electrical worker, engineer, fireman, porter, oiler, or house treasurer shall be permitted to work in excess of forty (40) hours in any one week: provided, however, the maximum hours herein established shall not apply to members of road crews, except that theatrical wardrobe attendants shall not be permitted to work in excess of forty-eight (48) hours in any one (1) week, nor in excess of eight (8) hours in any twenty-four (24) hour period; and further provided that where, under any labor agreement between any member of the Industry and any Union or its locals, heretofore entered into, the hours of labor as of July 1, 1933, were less than the maximum hours per week provided in this section, the hours provided in such agreement shall be the maximum.

5. No watchman shall be permitted to work in excess of fifty-six (56) hours in any one (1) week nor more than six (6) days in any one (1) week.

6. No person employed in clerical or office work who is paid less than thirty-five dollars (\$35.00) per week shall be permitted to work in excess of forty (40) hours in any one (1) week or eight (8) hours in any one (1) day, provided, however, that in case of special necessity the maximum hours herein specified may be exceeded, provided that one and one-half (1½) times his normal rate of pay be paid each employee for all the time worked in excess of forty (40) hours in any one week or eight (8) hours in any one (1) day.



7. No scenic artist shall be permitted to work in excess of thirty-two (32) hours in any one (1) week. This Article shall not apply to chargemen who are paid seventy-five dollars (\$75.00) or more per week.

8. No usher, ticket taker, scrubwoman, theatre attendant, or any other employee not otherwise specifically provided for in this Article, shall be permitted to work in excess of thirty-five (35) hours in any one (1) week or seven (7) hours in any one (1) day; provided, however, that in no case shall an employee be permitted to work in excess of the maximum hours herein provided except that he be paid one and one-half times his normal rate of pay for all hours worked in excess of seven (7) hours in any one (1) day and thirty-five (35) hours in any one (1) week.

9. Special resident summer season companies giving performances between the 15th of June and the 15th of September in theatres, barns, halls, or other buildings which are not situated in villages, towns or cities of more than 30,000 inhabitants and which do not by their location come into direct competition with a legitimate stock company or legitimate theatre open in the summer, are excepted from the provisions of this Article.

10. By reason of the professional character of their employment, the maximum hours of employment of employees performing the duties of musicians shall as heretofore be established by prevailing labor agreements, understandings or practices.

#### ARTICLE IV—WAGES

1. No Senior Actor shall be paid less than the following rates: where the prevailing top box office price of the theatrical attraction is four dollars and fifty cents (\$4.50) or more, the minimum wage shall be fifty dollars (\$50.00) per week; where the prevailing top box office price of the theatrical attraction is four dollars (\$4.00) or more but less than four dollars and fifty cents (\$4.50), the minimum wage shall be forty-five dollars (\$45.00) per week; where the prevailing top box office price of the theatrical attraction is more than three dollars (\$3.00) but less than four dollars (\$4.00), the minimum wage shall be forty-two dollars and fifty cents (\$42.50) per week; where the prevailing top box office price of the theatrical attraction is three dollars (\$3.00) or less, the minimum wage shall be forty dollars (\$40.00) per week.

2. No Junior Actor shall be paid less than the following rates: where the prevailing top box office price of the theatrical attraction is four dollars (\$4.00) or more, the minimum wage shall be thirty dollars (\$30.00) per week; where the prevailing top box office price of the theatrical attraction is more than three dollars (\$3.00) but less than four dollars (\$4.00), the minimum wage shall be twenty-seven dollars and fifty cents (\$27.50) per week; where the prevailing top box office price of the theatrical attraction is three dollars (\$3.00) or less, the minimum wage shall be twenty-five dollars (\$25.00) per week.

3. No member of the chorus in a musical production shall be paid less than thirty dollars (\$30.00) per week, nor less than thirty-five dollars (\$35.00) per week when engaged by a traveling company.

4. An actor or chorus member in a stock company production shall not be paid less than the rate as hereafter in this section provided:

(a) *Actor*.—Not less than six actors regularly employed in the stock company shall each be paid not less than forty dollars (\$40.00) per week; other actors, excluding local jobbers not Senior Actors, shall be paid a minimum wage of not less than twenty-five dollars (\$25.00) per week. Senior Actor local jobbers shall be paid not less than forty dollars (\$40.00) per week.

(b) *Chorus*.—In a company operating for any time during the period from May 31 to Labor Day in any year, no member of the chorus employed by a stock company shall be paid less than twenty-five dollars (\$25.00) per week where the highest admission price is one dollar (\$1.00) or less; and thirty dollars (\$30.00) where the highest admission price is more than one dollar (\$1.00); and in a company operating during any other period in the year, thirty dollars (\$30.00) per week where the highest admission price is one dollar (\$1.00) or less; and thirty-five dollars (\$35.00) per week where the highest admission price is more than one dollar (\$1.00).

5. At the end of two weeks of rehearsal, a full week's salary shall be paid as an advance to all actors and members of the chorus engaged at a wage of one hundred dollars (\$100.00) a week or less; and for the first and second weeks of production half salaries shall be paid to such actors and members of the chorus.

6. No theatrical stage employee, motion picture machine operator, electrical worker, engineer, fireman, oiler, or any other skilled mechanic or theatrical wardrobe attendant shall be paid less than at the rate of thirty dollars (\$30.00) per week for eight (8) performances, or forty (40) hours per week.

Where, under any labor agreement between any member of the Industry and any union or its locals, heretofore entered into, the wages as of July 1, 1933, were more than the minimum wages per week provided in this section, the wages provided in such agreement shall be the minimum.

7. No company manager shall be paid less than fifty dollars (\$50.00) per week and no house treasurer shall be paid less than forty dollars (\$40.00) per week. When engaged with a stock company, no company manager shall be paid less than forty dollars (\$40.00) per week and no house treasurer shall be paid less than thirty dollars (\$30.00) per week.

8. No watchman shall be paid less than thirty cents (30¢) per hour.

9. No usher, ticket taker, scrubwoman, theatre attendant, porter, or any other employee not otherwise specifically provided for in this Article, shall be paid less than forty cents (40¢) per hour.

10. No press representative stationed in any particular locality shall be paid less than fifty dollars (\$50.00) per week and no traveling press representative shall be paid less than seventy-five dollars (\$75.00) per week. No press representative of a stock company shall be paid less than twenty-five dollars (\$25.00) per week for rendition of exclusive services to the employer.

11. No scenic artist shall be paid less than two dollars and twenty-five cents (\$2.25) per hour.

12. Special resident summer season companies giving performances between the 15th of June and the 15th of September in thea-

tres, barns, halls, or other buildings which are situated in villages, towns or cities of less than 30,000 inhabitants and which do not by their location come into direct competition with a legitimate stock company or legitimate theatre open in the summer, are excepted from the operation of this Article.

13. In all cooperative productions the guaranteed minimum wages for all employees shall be those prescribed in this Code.

14. By reason of the professional character of their employment, the minimum wage of employment of employees performing the duties of musicians shall as heretofore be established by prevailing labor agreements, understandings or practices.

#### ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Industry, provided, however, that with the consent of the proper Governmental authority an actor under the age of sixteen (16) years may be engaged to fill a role especially written for a child actor or to fill a part requiring the services of a child actor. In any State any employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit, duly signed by the authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or dangerous to health. The Code Authority shall within ninety (90) days from the effective date of this Code submit to the Board a list of operations or occupations which are hazardous in nature or dangerous to health.

2. (a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection;

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

3. There are a number of rules and regulations presently existing in respective or collective agreements between the employers and their organized employees. The employers and employees pledge themselves to work for a readjustment of any and all conditions or rules or regulations which prove either to result in prohibitive production cost or in any loss of employment among all the employees of the employers.

4. Each employer shall provide for the safety and health of his employees during the hours and at the places of their employment.

Standards for safety and health shall be submitted by the Code Authority to the Board within six (6) months after the effective

date of the Code. When such standards are approved by the Board, they shall become part of this Code and shall be enforceable as such.

5. No provisions in this Code shall supersede any State or Federal Law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

6. No employee shall be dismissed, demoted or otherwise discriminated against by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.

7. All employers shall post and keep posted complete copies of this Code in conspicuous places readily accessible to employees in the course of their employment. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Board.

8. An employer shall make payment of all wages due in lawful currency. Such wages and salaries shall be exempt from any charges, fines or deductions, or payments for pensions, insurance or sick benefits other than those voluntarily paid by the wage earner or required by law. No employer shall withhold wages. No employer or his agents shall accept any rebates directly or indirectly on wages or salaries.

9. Employers shall engage actors, except where they themselves employ such actors directly, only through agencies recognized by, and acceptable to, the Actor's Equity Association.

## ARTICLE VI—ORGANIZATION, POWERS AND DUTIES OF THE CODE AUTHORITY

### ORGANIZATION AND CONSTITUTION

SECTION 1. A Code Authority is hereby established consisting of twelve (12) or more persons to be selected in the following manner:

The National Association of the Legitimate Theatre, Inc., shall select three (3) duly authorized representatives; the League of New York Theatres, Inc., shall select three (3) duly authorized representatives. When any question involving stock production is to be considered, the National Dramatic Stock Association may have two (2) representatives who shall replace, for the purpose of voting, one (1) representative from the National Association of the Legitimate Theatre, Inc., and one (1) representative from the League of New York Theatres, Inc. When any question involving ticket distribution and ticket agencies is to be considered, one (1) representative from the National Theatre Ticket Distributors, Inc., and one (1) representative from the Theatre Ticket Brokers Association of Greater New York shall become and be additional members of the Code Authority, for the determination of such questions. There shall be selected one duly authorized representative each from Actor's Equity Association, Chorus Equity Association, the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of United States and Canada, American Federation of Musicians of the United States and Canada, United Scenic Artists

of America, and one representative from the group of employees not hereinbefore embraced to be appointed by the Board upon nomination by the Labor Advisory Board.

SECTION 2. In addition to membership, as above provided, there may be two (2) members without vote whose duty it shall be to safeguard the interests of the public, to be appointed by the Board, and one (1) member without vote to be known as the Administration Member to be appointed by the Board to serve for such term as it may specify.

SECTION 3. Each trade or industrial association engaged in the Industry as a member or as an employer or in the disposition of tickets, which directly or indirectly participates in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Board true copies of its Articles of Association, By-Laws, regulations and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Board may deem necessary to effectuate the purpose of the Act or this Code.

SECTION 4. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Board may prescribe such hearings as it may deem proper; and thereafter if it shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, it may require an appropriate modification of the Code Authority.

SECTION 5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or non-feasance.

#### POWERS AND DUTIES

SECTION 6. Subject to such rules and regulations as may be issued by the Board, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code.

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the Industry with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure subject to the approval of the Board.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State Agencies as it may designate; provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency. No individual

report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agencies as may be directed by the Board.

(d) To use such trade associations or other organizations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Board for the coordination of the administration of this Code with such other Codes, if any, as may be related to or affect members of the Industry.

(f) 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary to institute legal proceedings therefor in its own name.

2. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contributions) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration, and in the event the member of the Industry is also a member of the Code Authority, to participate in the deliberation and decisions of the Code Authority.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Board shall have so approved.

(g) To appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other Codes as may be related to the Industry for the purpose of formu-

lating fair trade practices to govern the relationships between employers under this Code and under such other Codes to the end that such fair trade practices may be proposed to the Board as amendments to this Code and such other Codes.

(h) To provide appropriate facilities for arbitration between employers and, subject to the approval of the Board, to prescribe rules of procedure and rules to effect compliance with awards and determinations.

(i) To recommend to and consult with the Board concerning modifications of or amendments to this Code, which shall become effective as a part hereof upon approval by the Board after such notice and hearings as it may prescribe.

(j) To recommend to and consult with the Board concerning such administrative interpretations of this Code as it may propose. Such interpretations, upon the approval of the Board, shall become operative as a part of the Code.

(k) To recommend, if necessary, a uniform standard form of contract with booking agencies for all legitimate attractions.

(l) To create regional code authorities composed of an equal number of employers and employees in order to more effectively apply the provisions of this Code. Subject to the provisions of this Code such regional code authorities shall have such authority and shall act under such rules and regulations as may be prescribed by the national Code Authority.

#### GENERAL ADMINISTRATIVE PROVISION

SECTION 7. If the Board shall at any time determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Board approves or unless it shall fail to disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.

#### ARTICLE VII—TRADE PRACTICE RULES

RULE 1. No member of the Industry shall publish advertising, whether printed, broadcast or displayed, which is misleading or inaccurate in any material particular, nor shall any member in any way misrepresent any services, policies or the nature or form of the business conducted.

RULE 2. No member of the Industry shall aid, abet or assist in the release or dismissal of any actor for the purpose of permitting such actor to leave the cast of an attraction then playing in order to accept employment in motion pictures.

RULE 3. No member of the Industry shall aid, abet or assist in the release or dismissal of any author, dramatist or actor employed in rendering his exclusive services in connection with the production of a motion picture for the purpose of securing the services of such author, dramatist or actor.

**RULE 4.** No member of the Industry shall aid, assist or participate in a "buy". A "buy" is defined as a purchase of tickets either directly or through an intermediary, for commercial resale.

**RULE 5.** Insofar as members of this Industry can lawfully control the same, the motion picture of a currently playing legitimate attraction shall not be permitted to be released until such attraction has had the fullest opportunity to complete its run and enjoy road showing.

**RULE 6.** No member of the Industry shall aid or assist in the distribution of "throw-aways", or "two-for-ones" or any other form of ticket or literature which when presented at the theatre box-office, together with an amount of money less than the regular box-office price entitles the holder to theatre seats, unless the "throw-away" ticket or literature plainly states the amount of money required and the conditions under which the seats may be purchased.

#### ARTICLE VIII—TICKET PROVISIONS

**SECTION 1.** The terms "Agent" or "Agency" as used herein shall be deemed to include every person, firm, corporation or other form of enterprise, including clubs, receiving for sale or selling theatre tickets.

**SECTION 2.** "Theatre tickets" or "tickets" as used herein shall be deemed to include any and every form of evidence of the right of entry to a Legitimate Full Length Dramatic or Musical Theatrical production.

**SECTION 3.** No member of the Industry shall consign, transfer or deliver for sale any theatre ticket to any Agent, who shall not have an effective and unrevoked Legitimate Theatre Ticket Agency Certificate duly issued by the Code Authority as hereinafter provided.

**SECTION 4.** The Code Authority shall cause a non-assignable, revokable Legitimate Theatre Ticket Agency Certificate to be delivered to any Agent who shall apply therefor and who shall

(a) Duly execute a written Agency Contract on behalf of himself, his agents, servants and employees in such form as may be approved by the Code Authority and the Board, which shall contain provisions that the Agent agrees

(1) Not to sell any theatre ticket in excess of the box office price plus the sum of seventy-five cents and tax;

(2) To keep conspicuously posted in every establishment or place of sale so that all persons visiting such establishment or place may readily see the name, a price list, the form of which shall be approved by the Code Authority, showing the box office price, Agent's commission and tax;

(3) Not to charge for any theatre ticket in excess of the sum so listed or in accordance with the provisions of sub-section (1) hereof, whichever is the lower;

(4) Not to sell any ticket not conspicuously marked as provided in the Internal Revenue Laws of the United States, and such rules and regulations as may be or may have been promulgated thereunder;

(5) To give, upon the request of any purchaser, a signed and dated receipt showing the number of tickets sold, the name of the



theatre for which such tickets are issued and the total price, including tax, paid therefor:

(6) Not to engage in any form of subterfuge whatsoever which will frustrate the purposes of this Article;

(7) That the Code Authority may, at any reasonable time, inspect any and all ticket racks and books or records kept by such Agent with respect to tickets;

(8) Not to give or receive any commission, gratuity or bonus in connection with the sale or delivery of or payment for tickets, or in connection with the ticket business of such Agent, except as may be permitted in this Article;

(9) Not to sell any ticket of a member of the Industry who shall have been found by the Board to have violated any provisions of this Article;

(10) That the principal amount of the bond given to secure such Agency Contract, as hereinafter provided, shall become immediately due and payable to the Code Authority upon the determination by the Code Authority that such Agent has broken his contract;

(11) Not to establish or maintain any office, branch office or place of business within one hundred feet of any theatre without the written permission of the Code Authority;

(12) That the sale of any ticket not conspicuously marked in accordance with the provisions of this Article, shall be deemed prima facie evidence of a breach of such Agency Contract;

(13) To such further provisions as may from time to time be prescribed by the Code Authority and approved by the Board, and

(b) File with the Code Authority a bond in such form, in such reasonable amount, and with such surety or sureties as may be approved by the Code Authority and the Board conditioned on the faithful, true and complete performance of the provisions of the Agency Contract specified in this Article. Such bond shall further provide that its principal amount as therein stated shall become immediately due and payable to the Code Authority upon the determination by the Code Authority that the Agent has broken his contract and that the Certificate of the Code Authority shall be conclusive proof of such breach with respect to any and all sureties on such bond.

SECTION 5. Each member of the Industry shall cause every theatre ticket to be conspicuously marked showing the total box office price and tax, and, in addition thereto, shall conspicuously mark every ticket showing the maximum amount to be paid when purchased from an Agent.

SECTION 6. Each member of the Industry shall retain at least twenty-five percent (25%) of the theatre tickets in all parts of the theatre for sale at the box office for each presentation, which shall be conspicuously marked to identify them as theatre tickets for sale at the box office only, and shall not be delivered to a broker for resale or resold by such broker; and the purchase by the broker of tickets so marked shall be deemed prima facie evidence of a violation of the provisions of this paragraph.

SECTION 7. No member of the Industry shall give or receive any commission, gratuity or bonus in connection with the sale, delivery

or possession of or payment for any ticket, or in connection with the ticket business done by the Agent.

SECTION 8. No member of the Industry shall aid, abet, assist or participate in the breach of any Agency agreement entered into pursuant to this Article, nor shall any member of the Industry engage in any form of subterfuge whatsoever which will frustrate the purposes of this Article.

SECTION 9. The Code Authority may institute investigations of and shall hear all evidence with respect to any complaint of violation of this Article, including, but without limitation, the breach of any Agency Contract, and after notice and hearing shall determine whether such violation exists. Upon the determination that any violation exists with respect to any Agent, the Code Authority may suspend or revoke such Agent's Legitimate Theatre Ticket Agency Certificate, and may institute in its own name such legal proceedings as it may deem proper on such Agent's Contract and/or bond. Upon the determination that any violation exists with respect to any member of the Industry, the Code Authority may recommend to the Board such further proceedings under the Act as it deems proper.

SECTION 10. The Code Authority may prescribe such rules and regulations, subject to the approval of the Board, as it may deem proper to effectuate the purposes of this Article.

SECTION 11. The provisions of this Article shall apply only in such Cities as may be designated by the Code Authority subject to the approval of the Board.

SECTION 12. Any person aggrieved by any determination of the Code Authority may appeal to the Board within seven days after such determination and notice thereof and the decision of the Board shall be final and binding on the parties involved.

SECTION 13. If any provisions of this Article, or the application thereof to any person or circumstances, are held invalid, the remainder of this Article, and the application of such provisions to other persons or circumstances shall not be affected thereby.

#### ARTICLE IX—MODIFICATION

1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act.

#### ARTICLE X—MONOPOLIES

No provision in this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress or discriminate against small enterprises.

#### ARTICLE XI—PROHIBITION AGAINST SUBTERFUGE

No member of the Industry shall use any subterfuge to frustrate the spirit and intent of this Code, which is, among other things, to increase employment by universal covenant, to remove obstructions to

commerce, to shorten hours of work and to raise wages to a living basis.

#### ARTICLE XII—SAVING CLAUSE

The promulgation of this amended Code shall not affect nor in any wise impair or obstruct the imposition of any penalty, forfeiture or punishment for offenses committed against provisions of the Code of Fair Competition for this Industry approved on the 16th day of August, 1933, during the period of its effective operation; nor any investigation, legal proceeding or remedy in respect of any such offenses; nor any defenses thereto which might have been lawfully interposed under said prior Code.

#### ARTICLE XIII—EFFECTIVE DATE

This Code shall become effective ten days after its approval.

Approved Code No. 8—Amendment No. 1.

Registry No. 1748-04.



Approved Code No. 105A—Amendment No. 1

**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION**

FOR THE

**AUTOMOBILE HOT WATER HEATER  
MANUFACTURING INDUSTRY**

As Approved on October 23, 1934

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**ORDER**

**APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE AUTOMOBILE HOT WATER HEATER MANUFACTURING INDUSTRY**

**A PRODUCT GROUP OF THE ACCESSORIES DIVISION OF THE AUTOMOTIVE PARTS AND EQUIPMENT MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Supplementary Code of Fair Competition for the Automobile Hot Water Heater Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Supplementary Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby amended to include an approval of said Supplementary Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 23, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made, pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Supplementary Code of Fair Competition for the Automobile Hot Water Heater Manufacturing Industry, submitted by the Administrative Committee on behalf of the Code Authority.

The purpose and effect of the amendment are to have the Code conform to the provisions of Executive Order 6678, authorizing the Code Authority to submit a budget and basis of contribution for expense of code administration.

### FINDINGS

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Supplementary Code having found as herein set forth and on the basis of all the proceedings in this matter;

The National Industrial Recovery Board finds that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, the National Industrial Recovery Board has approved this amendment.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 23, 1934.

# AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR AUTOMOBILE HOT WATER HEATER MANUFACTURING INDUSTRY

A PRODUCT GROUP OF THE ACCESSORIES DIVISION OF THE AUTOMOTIVE PARTS AND EQUIPMENT MANUFACTURING INDUSTRY

Delete Paragraph 2, Article III and substitute the following, to be known as Article III, Paragraph 2, sections 1, 1 (a), 1 (b), 1 (c), 2 and 3:

SECTION 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Administrative Committee is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary: (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Product Group;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Product Group, and to that end, if necessary, to institute legal proceedings therefor in its own name.

SECTION 2. Each member of the Product Group shall pay his or its equitable contribution to the expenses of maintenance of the Administrative Committee, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Product Group complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Administrative Committee or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

SECTION 3. The Administrative Committee shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon the approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 105A—Amendment No. 1.  
Registry No. 1404-39.



Approved Code No. 217—Amendment No. 1

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

### DENTAL LABORATORY INDUSTRY

As Approved on October 23, 1934

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#### ORDER

#### APPROVING AMENDMENT OF THE CODE OF FAIR COMPETITION FOR THE DENTAL LABORATORY INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Dental Laboratory Industry, and Notice to File Objection having been given and the annexed report on said amendment containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 23, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Amendment of the Code of Fair Competition for the Dental Laboratory Industry, relating to the collection of expenses of Code Administration.

This amendment was proposed in accordance with Article VI, Section 7, Subsection (a) and Article IX, Section 2 of the Code, approved January 22, 1934.

Notice of Opportunity to be Heard was given from August 7, 1934, to August 21, 1934. No objection has been filed against the proposed amendment of the Code.

### FINDINGS

The Deputy Administrator in his final report to us on said amendment of said Code having found as herein set forth and on the basis of all the proceedings in this matter: we find that:

(a) The amendment of said Code and the Code as modified are well constituted to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of Industry for the purposes of co-operating action among the Trade Groups, by inducing and maintaining united action of labor and management under adequate Governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, and improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as modified are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For this reason, this amendment has been approved by us.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 23, 1934.

# AMENDMENT TO CODE OF FAIR COMPETITION FOR THE DENTAL LABORATORY INDUSTRY

## PURPOSE

Pursuant to Article VI, Section 7, Subsection (a) and Article IX, Section 2 of the Code of Fair Competition in the Dental Laboratory Industry, duly approved by the President on January 22, 1934, and further to effectuate the policies of Title I of the National Industrial Recovery Act, the following Amendment is established as a part of said Code of Fair Competition and shall be binding upon every member of the Dental Laboratory Industry.

## ARTICLE VI—ADMINISTRATION

Amend the first paragraph of Section 5 by deleting said paragraph and inserting the following:

a. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(3) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

b. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority and Regional Sub-Code Authorities or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

c. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Reletter paragraph (a) to read (d).

Delete Section 5 (a) and Section 7 (g).

Approved Code No. 217—Amendment No. 1.

Registry No. 1617-09.



AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
MACHINERY AND ALLIED PRODUCTS INDUSTRY

As Approved on October 23, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
MACHINERY AND ALLIED PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of an amendment to a Code of Fair Competition for the Machinery and Allied Products Industry, and opportunity to be heard thereon having been duly noticed and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 23, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Amendment to Article III, Section 3, paragraph (c) of the Code of Fair Competition for the Machinery and Allied Products Industry, which clarifies this paragraph by specifying the days to be considered legal holidays. Opportunity to be heard was given from July 20 to August 3, 1934.

### FINDINGS

The Assistant Deputy Administrator in his final report to us on said Amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, this Amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 23, 1934.



# AMENDMENT TO CODE OF FAIR COMPETITION FOR THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

## ARTICLE III—WORKING HOURS

Amend Subdivision (c), Section 3, Article III, to read as follows:  
“(c) Sunday and Legal Holiday Work.—At least one and one-half ( $1\frac{1}{2}$ ) times the regular rate shall be paid for all work performed on Sundays or on any of the following legal holidays, New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas, except by watchmen, power plant engineers and firemen.”

Approved Code No. 347—Amendment No. 5.  
Registry No. 1399-65.



AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION

FOR THE

SNAP FASTENER MANUFACTURING INDUSTRY

As Approved on October 23, 1934

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ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE SNAP FASTENER MANUFACTURING INDUSTRY  
A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Supplementary Code of Fair Competition for the Snap Fastener Manufacturing Industry, and a Notice of Opportunity to be Heard having been duly given thereon, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Supplementary Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby modified to include an approval of said Supplementary Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 23, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an amendment of Article IV of the Supplementary Code of Fair Competition for the Snap Fastener Manufacturing Industry by the Supplementary Code Authority for that Industry.

The Supplementary Code of Fair Competition for the Snap Fastener Manufacturing Industry was approved on April 6, 1934. Article IV, Section 7, subsection f provides that the Supplementary Code Authority shall have power to secure from the members of the industry an equitable and proportionate payment of the reasonable expenses of maintaining the Supplementary Code Authority and its activities.

The above in effect provides for voluntary contributions on the part of the members of the Industry. This method of providing funds for the proper administration of the Supplementary Code has been found to be unsatisfactory. The amendment has, therefore, been proposed to create a legal obligation, on the part of the Industry Members, to pay their pro rata share of the expenses of the Supplementary Code Authority.

### FINDINGS

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment of said Supplementary Code having found as herein set forth and on the basis of all proceedings in this matter:

It has been found that:

(a) The amendment of said Supplementary Code and the Supplementary Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of co-operative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Supplementary Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including

without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Supplementary Code empowers the Supplementary Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Supplementary Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, the amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 23, 1934.

## AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE SNAP FASTENER MANU- FACTURING INDUSTRY

### A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

Amend Article IV by deleting Section 4 and substituting the following in lieu thereof.

SECTION 4. (a) It being found necessary in order to support the administration of this Supplementary Code and to maintain the standards of fair competition established hereunder, and to effectuate the policy of the Act, the Supplementary Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplementary Code.

(2) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by the members of the Industry;

(3) After such budget and basis of contribution has been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Supplementary Code Authority determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Supplementary Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selections of members of the Supplementary Code Authority or to receive the benefits of any of its voluntary activities, or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Supplementary Code Authorities shall neither incur nor pay any obligations substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved Budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item or expenditures in

excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Delete Sub-sections (f) and (g) of Article IV, Section 7.

Renumber sub-section (h) to read sub-section (f).

Renumber sub-section (i) to read sub-section (g).

Approved Code No. S4P—Amendment No. 1.

Registry No. 1122-18.





Approved Code No. 166—Amendment No. 1

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

### WAXED PAPER INDUSTRY

As Approved on October 23, 1934

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#### ORDER

#### APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE WAXED PAPER INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Waxed Paper Industry, and due notice and opportunity to be heard having been given thereon, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLE, *Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 23, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Waxed Paper Industry which was approved by you on December 18, 1933.

The effect of this amendment will enable the Code Authority to submit a budget and basis of assessment and give it the power to institute legal proceedings, if necessary, for the collection of said assessments.

The Deputy Administrator in his final report on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to propose the amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 23, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WAXED PAPER INDUSTRY

Delete Section 5 of Article II and substitute therefor:

5. (a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

1. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

2. To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

3. After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board, and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 166—Amendment No. 1.  
Registry No. 411-01.



Approved Code No. 37—Amendment No. 2

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**BUILDERS SUPPLIES TRADE**

**As Approved on October 25, 1934**

BY

**PRESIDENT ROOSEVELT**

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**EXECUTIVE ORDER**

**AMENDED CODE OF FAIR COMPETITION FOR THE BUILDERS SUPPLIES  
TRADE**

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of an amended Code of Fair Competition for the Builders Supplies Trade, and hearings having been held thereon and the National Industrial Recovery Board having rendered their report containing an analysis of the said amended Code of Fair Competition together with their recommendations and findings with respect thereto, and the National Industrial Recovery Board having found that the said amended Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, do hereby incorporate by reference said annexed report and do find that the Code as constituted, after being amended, complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that the Code as amended be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

**FRANKLIN D. ROOSEVELT.**

Approval recommended:

**NATIONAL INDUSTRIAL RECOVERY BOARD,**

By **G. A. LYNCH**, *Administrative Officer.*

**THE WHITE HOUSE,**

*October 25, 1934.*

## LETTER OF TRANSMITTAL

The PRESIDENT,

*The White House.*

SIR: This is a report on the Code of Fair Competition for the Builders Supplies Trade of the United States, as amended, the hearings having been held in Washington, D. C., on July 26, 1934, and on August 9, 1934, in accordance with the policies of the National Recovery Administration.

Your approval of this Code, as amended, will have the effect of promulgating a new Code for the Trade, which it is estimated employs in excess of 50,000 persons.

This Code, as amended, is sponsored by the National Federation of Builders Supply Associations which is empowered by the Code of Fair Competition for the Builders Supplies Trade Industry to propose amendments.

The principal change in this Code, as amended, is the establishment of an open price policy which coincides with the policy of the National Recovery Administration. As amended, this Code contains a prohibition against the handling of goods which have not been purchased from a vendor who does not represent that he is complying with his respective Code of Fair Competition.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter;

It finds that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practice, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the National Federation of Builders Supplies Associations to present the aforesaid amendments on behalf of the Trade as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons, this Code, as amended, is recommended for approval.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 25, 1934.

## AMENDED CODE OF FAIR COMPETITION FOR THE BUILDERS SUPPLIES TRADE

To effect the policies of Title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Builders Supplies Trade and its provisions shall be the standards of fair competition for such Trade and be binding upon every member thereof.

### I. DEFINITIONS

1. *Builders Supplies*.—The term “Builders Supplies” as used herein is broadly defined as those products used in building and construction work and commonly designated as fire resistant. The term “Builders Supplies” as used herein specifically comprehends the following products:

Brick Mortars, Casement and Steel Sash, Cement and Cement Products, Cement Pipe, Ceramic Tile, Clay Roof Tile, Common Brick, Cut Stone, Dampers and Fireplace Accessories, Drain Tile, Face Brick, Fire Brick and Clay, Glazed Structural Tile, Gypsum Products, Hollow Tile, Lime and Lime Products, Mesh Reinforcement, Metal Lath and kindred products, Mineral Aggregates, Mortar and Cement Colors, Molding Plasters, Roof and Flooring Slates, Sewer Pipe, Flue Lining and other Clay Products, Structural Terra Cotta and Waterproofing Compounds.

2. *Member of the Trade*.—The term “member of the Trade” as used herein includes any individual, partnership, association, corporation, or other form of enterprise engaged in the Trade, either as an employer or on his or its own behalf.

3. *Voluntary Agreement Member*.—The term “Voluntary Agreement Member” shall include any member of the Trade who shall have become a member of the agreement as hereinafter provided in Article VIII.

4. *Builders supplies trade*.—The term “Builders Supplies Trade” or “Trade” as used herein includes the selling and/or distributing to contractors or consumers of any or all builders supplies hereinabove defined. In the event that the application of this section is the subject of a dispute with a member of any other trade or industry subject to any other Code of Fair Competition which purports to have jurisdiction over the sale of any builders supplies, approved pursuant to the provisions of the National Recovery Act, this section shall not apply to members of such other trade or industry until such time as the dispute has been reviewed and determined by the procedure established in Article VI, Section 10, Subsection (c), and the finding reached makes this section applicable.

5. *Employee*.—The term “employee” as used herein includes any and all persons engaged in the Trade, however compensated, except a member of the Trade.



6. *Employer*.—The term “employer” as used herein includes any one by whom any such employee is compensated or employed.

7. *Code Authority*.—The term “Code Authority” as used throughout this Code refers to the Administrative Committee of this Code as established in Article VI hereof.

8. *Federation*.—The term “Federation” as used herein shall mean the National Federation of Builders Supply Associations. The term “federated group” shall mean any association or group federated with the National Federation of Builders Supply Associations.

9. *President, Act and the Board*.—The terms “President”, “Act” and “Board” as used herein mean respectively, the President of the United States, Title I of the National Industrial Recovery Act and the National Industrial Recovery Board.

10. *Competitive area*.—For the purpose of administering this Code, a “Competitive Area” is defined as an economic market having such geographical boundaries as shall be accepted and approved by a truly representative group of members of the Trade doing business therein, but subject to review and approval by the Code Authority and to approval by the National Recovery Administration.

11. *Population*.—Population for the purpose of this Code shall be determined by reference to the latest Federal Census.

## II. RIGHTS OF LABOR

1. (a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing and shall be free from the interference, restraint, or coercion of employers of labor or their agents in the designation of such representatives or in self organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

(c) Employers shall comply with the maximum hours of labor, minimum rates of wages, and other conditions of employment approved or prescribed by the President.

2. An employer shall so administer work in his charge as to provide the maximum practicable continuity of employment for his work force.

## III. HOURS OF LABOR

1. No employee shall be permitted to work in excess of forty (40) hours in any one week, or eight (8) hours in any one day, except as herein otherwise provided.

2. *Exceptions as to hours*.—(a) The provisions of this Article shall not apply to outside salesmen, night and Sunday watchmen, to one branch yard manager for each branch yard and to persons employed in a managerial or executive capacity who earn regularly thirty-five dollars (\$35.00) per week or more.

(b) Employees of members of the Trade employing not more than two (2) persons, in towns or places of less than 2,500 population, which towns and places are not part of a large trading area, as defined in Article IV, may be permitted to work forty-eight (48)

hours in any one week if at least sixty-six and two-thirds percentage of the sales volume of said members of the Trade is to persons engaged in agriculture; such employees may be permitted to work in excess of forty-eight (48) hours in any one week, provided that they are paid not less than one and one-half times their normal rate of pay for all hours worked in excess of forty-eight (48) hours in any one week.

(c) Yard foremen, truck drivers and their helpers may be permitted to work forty-four (44) hours in any one week without the payment of overtime and may be permitted to work forty-eight (48) hours in any one week, provided that they are paid not less than one and one-half times their normal rate of pay for all hours worked in excess of forty-four (44) hours in any one week.

(d) The Code Authority shall submit within thirty (30) days of the approval of this Code as amended, a report which specifically outlines the possibilities of establishing a daily limitation of hours for all classes of employees and of revising Article III, Section 2 (a) and (c) so that hourly restrictions will apply to the watchmen, all branch yard managers, yard foremen, truck drivers and their helpers.

3. *Standard Week.*—Except as to night and Sunday watchmen, no employee shall be permitted to work more than six (6) days in any seven (7) day period.

4. *Employment by Several Employers.*—No employer shall knowingly permit any employee to work for any time which, when added to the time spent at work for another employer or employers in this Trade or any other trade or industry, exceeds the maximum permitted herein.

#### IV. RATES OF WAGES

1. No employee shall be paid in any period less than the minimum rates per hour hereinafter set forth, except as herein otherwise provided; the minimum rate per hour herein provided shall be applicable to the immediate trade area of cities as defined by the Chamber of Commerce or similar civic body of such cities:

Region no.	Cities of 500,000 population or more	Cities of less than 500,000 population and more than 75,000 population	Cities or places of 75,000 population or less
	Cents	Cents	Cents
1.....	35	30	25
2.....	40	35	30
3.....	45	40	35
4.....	60		

2. (a) Region No. 1 includes the States of: Alabama, Georgia, Florida, North Carolina, South Carolina, Kentucky, Louisiana, Mississippi, Tennessee, Texas, Virginia, West Virginia, Arkansas, New Mexico and Arizona.

(b) Region No. 2 includes the States of: Delaware, Maryland, Colorado, Wyoming, Oklahoma, Utah, Montana, Idaho, Washington, Oregon, Nevada, and Counties of Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial and San Bernardino of the State of California, and the District of Columbia.

(c) Region No. 3 includes the States of: Illinois, Indiana, Pennsylvania, New Jersey, Nebraska, New York (except New York City), Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, Minnesota, North Dakota, South Dakota, Iowa, Ohio, Missouri, Kansas, Wisconsin, Michigan and all counties of California not included in Region No. 2.

(d) Region No. 4 includes the City of New York.

3. Clerical and office employees subject to the provisions of Article III, Section 2, subsection (b) hereof, shall be paid not less than twelve dollars (\$12.00) per forty-eight (48) hour week, clerical and office employees in cities of 500,000 population or more shall be paid not less than at the rate of twenty dollars (\$20.00) per week; in cities of less than 500,000 population and more than 75,000 population, not less than at the rate of fourteen dollars (\$14.00) per week; and in cities and places of 75,000 population or less, not less than at the rate of twelve dollars (\$12.00) per week. Truck drivers in cities of 2,500,000 population or more shall be paid not less than at the rate of 75 cents per hour.

4. This Article establishes minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piece work or other basis.

#### V. GENERAL LABOR AND OTHER PROVISIONS

1. No person under eighteen (18) years of age shall be employed in this Trade, except as office boys, office girls or messengers. No person under sixteen (16) years of age shall be employed in this Trade in any capacity. In any state an employer shall be deemed to have complied with these provisions as to age, if he shall have on file a certificate or permit, duly signed by the Authority in such state empowered to issue employment or age certificates or permits showing that the employee is of the required age.

2. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be submitted by the Code Authority to the Board within sixty (60) days after the effective date hereof, and upon their approval by the Board shall constitute integral parts of this Code.

3. No provisions in this Code shall supersede any State or Federal Law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

4. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees. Every member of the Trade shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the Board.

5. No employer shall reclassify employees or duties of occupation performed or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code.

6. No employer shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of this Code.

7. Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees.

8. A person whose earning capacity is limited because of age or physical or mental handicap or other infirmity may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employees.

## VI. ADMINISTRATION

1. A Code Authority is hereby established consisting of not more than nine (9) trade members to be selected in the following manner: Seven (7) members shall be elected by the Directors of the National Federation of Builders Supply Associations with the approval of the Board, and two (2) members shall be elected to represent the non-members of federated groups. In the event that the non-members of federated groups fail to elect two (2) members to represent them, they may be appointed by the National Recovery Administration.

2. In addition to membership as above provided, there may be three (3) members, without vote, to be known as Administration members, to be appointed by the Board to serve for such terms as the Board may specify.

3. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Board true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Board may deem necessary to effectuate the purposes of the Act.

4. In order that the Code Authority shall be at all times truly representative of the Trade and in other respects comply with the provisions of the Act, the Board may prescribe such hearings as it may deem proper; and thereafter if it shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Code Authority.

5. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or nonfeasance.

6. If the Board shall at any time determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Board may require that such action be suspended to afford an opportunity for investigation of

the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Board approves or unless it shall fail to disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.

7. Subject to such rules and regulations as may be issued by the Board, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code;

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the Trade with the provisions of the Act.

(b) To adopt by-laws and rules and regulations for its procedure.

(c) To obtain from members of the Trade such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the Trade subject to this Code shall furnish such statistical information as the Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as it may designate; provided that nothing in this Code shall relieve any member of the Trade of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any member of the Trade or any other party except to such other governmental agencies as may be directed by the Board.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its rights, duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the orders of the Code Authority and of the National Recovery Administration.

(e) To make recommendations to the Board for the coordination of the administration of this Code and such other Codes, if any, as may be related to or affect members of the Trade.

(f) (1) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(A) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

(B) To submit to the Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Trade;

(C) After such budget and basis of contribution have been approved by the Board, to determine and obtain equitable contribution as above set forth by all members of the Trade, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(2) Each member of the Trade shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Board. Only members of the Trade complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(3) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Board; and no subsequent budget shall contain any deficiency item for expenditures substantially in excess of prior budget estimates except those which the Board shall have so approved.

(g) To recommend to the Board any action or measures deemed advisable, including further fair trade practice provisions to govern members of the Trade in their relations with each other or with other trades or industries; measures for industrial planning, and stabilization of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the Board after such notice and hearing as it may specify.

(h) To appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other Codes as may be related to the Trade for the purpose of formulating fair trade practices to govern the relationships between employers under this Code and under such other Codes to the end that such fair trade practices may be proposed to the Board as amendments to this Code and such other Codes.

(i) To provide appropriate facilities for arbitration, and subject to the approval of the Board, to prescribe rules of procedure and rules to effect compliance with awards and determinations.

8. To approve and submit for the approval of the Board, rules and regulations proposed by truly representative groups of members of the Trade in any competitive areas, provided that such rules and regulations are not inconsistent with this Code. Upon approval by the Board, after such notice and hearings as it may prescribe, such rules and regulations shall constitute integral parts of this Code and be binding upon all members of the Trade operating in such competitive areas.

9. (a) For the administration of this Code, in the case of members of the Trade, whether in whole or in part, who are members of the National Retail Lumber Dealers Association but who are not also members of a federated group of the National Federation of Builders Supply Associations, the Code Authority shall appoint as its agent or representative the same agent or representative as shall have been appointed by the Code Authority for the Code of Fair Competition for the Retail Lumber, Lumber Products, Building Material and Building Specialties Trade for the administration of the Code of Fair competition for which it is the controlling authority.

(b) When the administration of this Code is delegated by the Code Authority of this Code to the agent appointed by the Code Authority for the Code of Fair Competition for Retail Dealers in Lumber, Lumber Products, Building Material, and Building Specialties, the pro rata cost of Administration shall be the same as for all other dealers in Builders Supplies but shall be paid to the last-mentioned Code Authority to be used by them in the Administration of this Code.

10. (a) To appoint within each federated group, in cooperation with the appropriate division under the Code of Fair Competition for the Retail Lumber, Lumber Products, Building Material and Building Specialties Trade, a joint Explanation Committee, with equal representation, of such number as may be deemed advisable. This Committee shall be empowered to explain the provisions of the trade practice rules of the Code of Fair Competition for the Retail Lumber, Lumber Products, Building Material and Building Specialties Trade and of this Code insofar as such rules affect members of the Retail Lumber, Lumber Products, Building Material and Building Specialties Trade and members of the Builders Supplies Trade. The explanations of this Joint Committee shall be subject to appeal as hereinafter provided.

(b) The Code Authority shall appoint a National Joint Explanation Committee in cooperation with the Code Authority for the Retail Lumber, Lumber Products, Building Material and Building Specialties Trade, with equal representation, of such number as the two Code Authorities shall jointly determine. This Committee shall review appeals from the explanations of the Joint Explanation Committees appointed within the federated groups. The findings of such National Joint Explanation Committee shall be subject to review as may be prescribed by the Board in accordance with the law.

(c) In the event of any disputes concerning the jurisdiction of this Code, the Code Authority shall appoint a committee to meet with a similarly appointed Committee of any related industry or trade, and when so meeting to act as a Coordination Board to adjust disputes as to the jurisdiction of the respective Codes. Each trade or industry shall be equally represented. In addition to the representatives appointed by the respective Code Authorities, each Coordination Board may elect one additional member, or, upon failure so to select, one additional member may be appointed by the Board, but such member shall have authority to vote only in the event of a tie. A determination of such Coordination Board shall be forwarded immediately to the National Recovery Administration and shall become effective upon approval thereby. In the event such Coordination Board fails to act or agree, the matter shall be submitted to the Board for final determination.

## VII. VOLUNTARY AGREEMENT MEMBER

Recognizing that the violation by a member of any provision of this Code will disrupt the normal course of fair competition in the Trade and cause serious damage to others, and that it will be impossible accurately to determine the amount of such damage, it is hereby provided that those members who may desire to do so may

enter into an agreement among themselves embodying the following provisions:

1. Each member violating any provision of this Code shall pay to the Treasurer of the Code Authority, as an individual and not as Treasurer, in trust, as and for liquidated damages, upon determination of violation by the Board, or any impartial agency or person nominated by the Code Authority or designated by the Assenters to this agreement and approved by the Board, amounts as set forth below:

(a) For the violation of any wage provision, an amount equal to the difference between the wages which have been paid and the wages which would have been paid if the member had complied with the applicable provisions of the Code;

(b) For the violation of any hour provision, an amount equal to the wages payable for the overtime at the regular rate payable under the terms of the Code, to the employee who worked overtime;

(c) For the violation of any labor provision of the Code other than an hour or wage provision, one hundred dollars;

(d) For the violation of any provision of the Code (other than a labor provision) involving a transaction incidental to or connected with a sale of any product of the Trade, an amount equal to thirty (30) per cent of the actual selling price of the product sold in violation of any such provision, or of the price at which the product should have been sold under the Code, if determinable, whichever is the higher;

(e) For the violation of any provision of the Code (other than a labor provision) not involving a transaction incidental to or connected with a sale of any product of the Trade, one hundred dollars.

2. All amounts so paid to or collected by the Treasurer of the Code Authority, under the provisions of this Article, shall be applied by him as follows: First, if the violation shall have been of a labor provision of the Code, equitable distribution of all damages paid therefor shall be made among all employees directly affected by such violation; second, if the violation shall have been of a code provision other than a labor provision, the damages arising therefrom shall be utilized to defray proper expenses of code administration, and the balance, if any, remaining in the hands of the Treasurer shall be distributed semi-annually among members of the Trade who have assented hereto and who have not been determined to have been guilty of a violation of a code provision during the preceding semi-annual period, on the basis of the most recent assessment made against members of the Trade for the expense of code administration.

3. Assent to this Article by any member shall be evidenced by a signed statement signifying assent, filed with the Code Authority. Failure to assent to this Article shall not deprive any member of any other right or privilege under the Code. By so assenting, each member agrees with every other member and the Treasurer, individually, (1) that violation of a code provision shall breach this agreement and shall render the violator liable for the payment of liquidated damages as herein provided, (2) all rights and causes of action arising hereunder are assigned to the Treasurer, individually and in trust, and (3) that the Treasurer, as such assignee and as attorney in fact for each assenting member, may take all proper legal action concerning damages found due hereunder.



4. The Code Authority may waive liability for payment of liquidated damages for any violation it finds to have been innocently made and resulting in no material injury.

5. The Treasurer of the Code Authority, as an individual, and not as Treasurer, by accepting office, accepts the trust established by this contract and agrees to perform the duties of Trustee hereunder until his successor in office may have been appointed.

6. Nothing contained herein shall be construed or applied to (a) deprive any person of any right or right of action arising out of this Code, or (b) relieve any member of the Trade from any contractual or legal obligations arising out of this Code or of the Act or otherwise; nor shall violation of this agreement by an assenting member be deemed a violation of the Code, so as to subject the violator to any consequence arising under Section 3 (b), Section 3 (c), or Section 3 (f) of the National Industrial Recovery Act, nor to any criminal prosecution of any kind.

#### VIII. AFFIDAVITS OF COMPLIANCE

Each member of the Trade shall submit to the Code Authority or its authorized agent upon demand, but not more frequently than monthly, an affidavit properly executed before a Notary Public, certifying that he has complied with the provisions of this Code setting forth the schedule of rates of wages, hours of labor, and maintenance of all other rules as set forth within this Code. These affidavits shall be filed with the Code Authority and shall be available at all times to the inspection of the National Industrial Recovery Board.

#### IX. OPEN PRICE, COSTS AND PRICE CUTTING, AND COST FINDING AND ACCOUNTING

1. *Open Price.*—(a) Each member of the Trade shall file with a confidential and disinterested agent of the Code Authority, or if none, then with such an agent designated by the Board identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this article referred to as "price terms", which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all such standard products of the Trade as are sold or offered for sale by said member and for such non-standard products of said member as shall be designated by the Code Authority. Said price terms shall in the first instance be filed within ten (10) days after the effective date of this provision. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and provisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the Trade and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the Code Authority in the preparation and distribution thereof and be available for inspection by any of their customers at the

office of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members of the Trade and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid ten (10) day period after the effective date of this provision. The Code Authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the Board. Upon request the Code Authority shall furnish to the Board or any duly designated agent of the Board copies of any such lists or revisions of price terms.

(b) When any member of the Trade has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

(c) No member of the Trade shall sell or offer to sell any products/services of the Trade for which price terms have been filed pursuant to the provisions of this Article, except in accordance with such price terms.

(d) No member of the Trade shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms nor cause or attempt to cause any member of the Trade to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this Article to create.

2. *Costs and Price Cutting.*—(a) The standards of fair competition for the Trade with reference to pricing practices are declared to be as follows:

(1) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the Trade or of any other trade or industry or the customers of either may at any time complain to the Code Authority that any filed price constitutes unfair competition as destructive price cutting, imperiling small enterprise or tending toward monopoly or the impairment of code wages and working conditions. The Code Authority shall within five (5) days afford an opportunity to the member filing the price to answer such complaint and shall within fourteen (14) days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the National Recovery Administration and a report thereon shall be made to the Board.

(2) When no declared emergency exists as to any given product, there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.

(3) When an emergency exists as to any given product, sale below the stated minimum price of such product, in violation of Subsection (b) hereof, is forbidden.

(b) *Emergency Provisions:*

(1) If the Board, after investigation shall at any time find both (1) that an emergency has arisen within the Trade adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product/service within the Trade for a

limited period is necessary to mitigate the conditions constituting the emergency and to effectuate the purposes of the Act, the Code Authority may cause an impartial agency to investigate costs and to recommend to the Board a determination of the stated minimum price of the product/service affected by the emergency and thereupon the National Industrial Recovery Board may proceed to determine such stated minimum price.

(2) When the Board shall have determined such stated minimum price for a specified product/service for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, it shall publish such price. Thereafter, during such stated period, no member of the Trade shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Code Authority may recommend review or reconsideration or the Board may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

3. *Cost Finding and Accounting.*—(a) *Cost Finding.*—The Code Authority shall cause to be formulated methods of cost finding and accounting capable of use by all members of the Trade, and shall submit such methods to the Board for review. If approved by the Board, full information concerning such methods shall be made available to all members of the Trade. Thereafter, each member of the Trade shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Code Authority, any agent thereof, or any member of the Trade to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

## X. RULES OF FAIR PRACTICE

1. No member of the Trade shall secretly offer or make any payment or allowance of rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, nor shall a member of the Trade secretly offer or extend to any customer any special service or privilege not extended to all customers of the same class, for the purpose of influencing a sale.

2. Uniform contracts and maximum terms of sale for each competitive area may be established by the Code Authority or its authorized agent after approval thereof by the Board, and any deviation from these contracts or any terms of sale in excess of such maximum terms shall constitute an unfair competitive practice.

3. No member of the Trade shall accept any secret rebate, refund, commission, credit, unearned discount, or excess allowance, whether in the form of money or otherwise, not extended to all members of the Trade of the same class under like terms and conditions.

4. No member of the Trade shall defame a competitor by falsely imputing to him dishonorable business conduct, inability to perform contracts, questionable credit standing, or by other false representation, or by falsely disparaging the grade or quality of his goods.

5. No member of the Trade shall wilfully induce or attempt to induce the breach of existing contracts between competitors and their customers by any false or deceptive means, or interfere with or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of hampering, injuring or embarrassing competitors in their business.

6. No member of the Trade shall give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent, or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without knowledge of such employer, principal or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

7. No member of the Trade shall induce a competitor's salesman or credit man to leave his employment for the purpose of injuring a competitor's business.

8. No member of the Trade shall publish advertising (whether printed, radio, display, or of any other nature) which is misleading or inaccurate in any material particular, nor shall any member of the Trade in any way misrepresent any builders supplies (including, but without limitation, its use, trade mark, grade, quantity, quality, origin, size, substance, character, nature, finish, material content or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

9. No member of the Trade shall agree or guarantee to furnish sufficient quantities of builders supplies for any building or construction operation at a lump sum price.

10. No member of the Trade shall knowingly withhold from or insert in any quotation or invoice any statement that makes it inaccurate in any material particular.

11. No member of the Trade shall publish or circulate unjustified or unwarranted threats of legal proceedings which tend to or have the effect of harassing competitors or intimidating their customers.

12. No member of the Trade shall handle any builders supplies (1) which either do not comply with any and all standards, including, without limitation, standards as to quality, quantity, size and/or performance, as well as any and all labeling requirements, incorporated in the separate approved codes of industries/trades relating to such products as are handled by members of this Trade, or (2) which do not bear indication that they are non-standard, when standards have been adopted for the types in question, or (3) which have not either been manufactured or sold by a vendor who does not represent that he is in full compliance with the approved code of fair competition, applicable to the industry or trade in which the vendor is engaged, nor shall any member of the Trade sell or offer to sell any goods to any contractor or consumer who has failed to comply with his respective code; provided that no member of the Trade, exercising due diligence in such handling of builders supplies to comply with the provision hereof, shall be deemed in violation hereof. Delivery of a certificate of such vendor that he or it is complying in every particular with the code of fair competition apply-

cable to such vendor, the display of proper N. R. A. insignia or the publication in a newspaper or periodical of general circulation of such certificate of compliance or insignia shall constitute a good and sufficient representation of compliance hereunder.

(a) Upon application, or upon its own motion, the Board may grant exceptions or exemptions from provisions hereof if it shall appear, (1) that the vendor of any such goods or services is not subject to a code of fair competition, agreement or license approved under the Act; or (2) that compliance herewith would create undue hardship or injustice or would not tend to effectuate the purposes of this Code or the policy of the Act.

(b) No member of the Trade shall make or cause to be presented or published any such representation which shall be false in any material particular.

### XI. MONOPOLIES

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices or to eliminate, oppress, or discriminate against small enterprises.

### XII. EFFECTIVE DATE

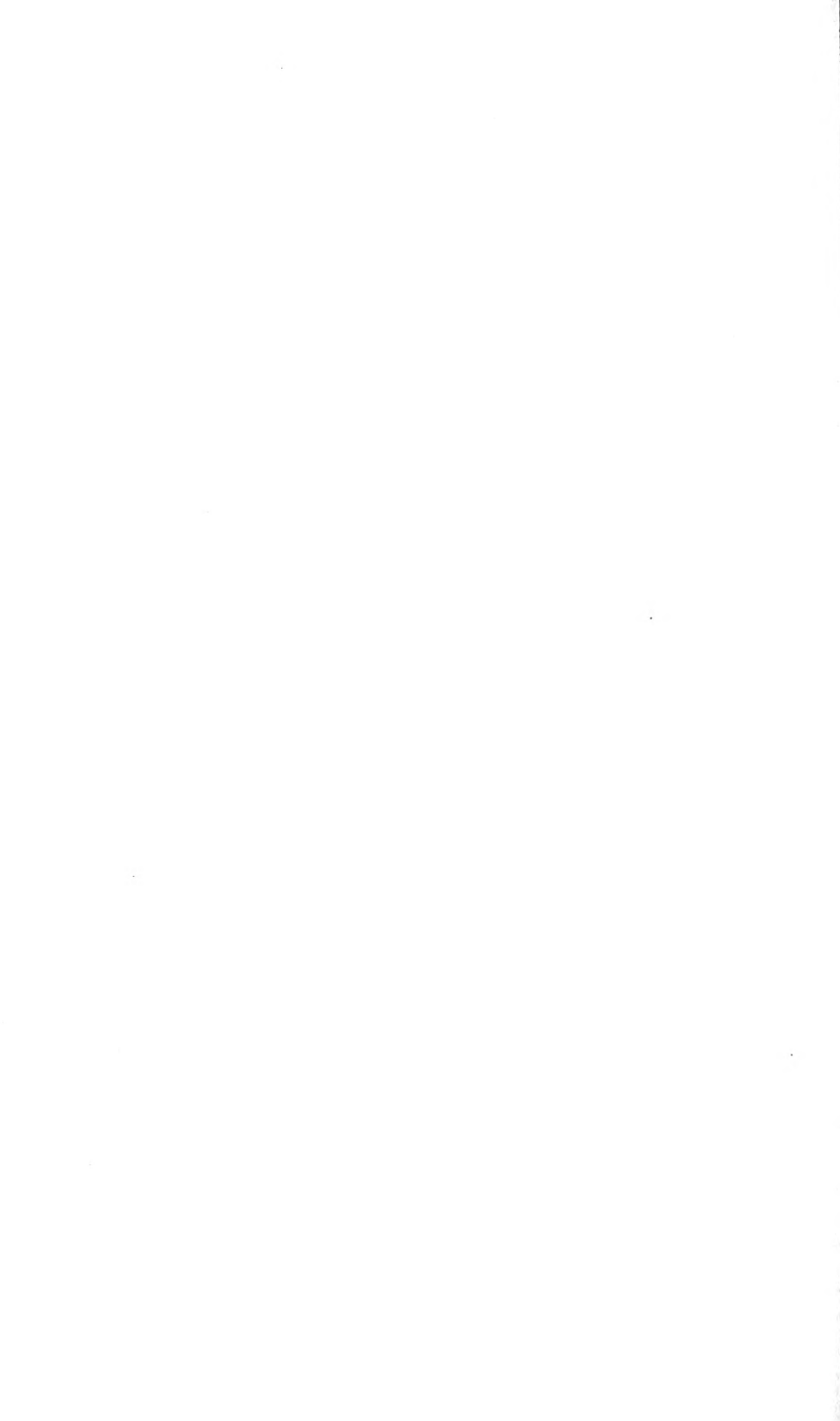
All provisions of this Code shall become effective and operative ten (10) days after the approval thereof by the President of the United States.

### XIII. CHANGES IN THE CODE

1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of Subsection (b) of Section X of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of said Act.

2. Such of the provisions of this Code as are not required to be included herein by the Act, may, with the approval of the Board, after such notice and hearing as it shall prescribe, be modified or eliminated in such manner as may be indicated by the needs of the public, by changes in circumstances, or by experience.

Approved Code No. 37—Amendment No. 2.  
Registry No. 1013-3-02.



Approved Code No. 159—Amendment No. 1

**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**DRY AND POLISHING MOP MANUFACTURING**  
**INDUSTRY**

**As Approved on October 25, 1934**

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE DRY  
AND POLISHING MOP MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Dry and Polishing Mop Manufacturing Industry, and Notice of Opportunity to be Heard having been duly published thereon, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

**NOW, THEREFORE**, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

**NATIONAL INDUSTRIAL RECOVERY BOARD,**  
By **G. A. LYNCH**, *Administrative Officer.*

Approval recommended:

**KILBOURNE JOHNSTON,**  
*Acting Division Administrator.*

**WASHINGTON, D. C.,**  
*October 25, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an amendment to the Code of Fair Competition for the Dry and Polishing Mop Manufacturing Industry, submitted by the Code Authority for the Dry and Polishing Mop Manufacturing Industry.

The purpose and effect of the amendment are to authorize the Code Authority to submit a budget and basis of assessment upon which funds shall be contributed by members of the Industry. The amendment also deletes Sections 11 and 12 of Article VII which refer to filing of prices and sales below published prices.

The Deputy Administrator in his final report on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The amendment of said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the industries, by avoiding undue restrictions of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, therefore, this Amendment has been approved. For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 25, 1934.



AMENDMENT TO CODE OF FAIR COMPETITION FOR  
THE DRY AND POLISHING MOP MANUFACTURING  
INDUSTRY

ARTICLE VI

Delete the present Section 2 (d) and substitute therefor the following:

(d) It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(3) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(e) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(f) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Delete from the Code Section 11 of Article VII, which reads as follows:

11. *Published Prices.*—Within ten (10) days each member of the Industry shall publish to the trade, and file with the Code Authority, a price list for all products of the Industry sold or offered for sale by him, together with the discounts and transportation allowances, if any, allowed therefrom, and fixed terms of payment; which price lists shall fully and accurately describe each product as to color, treatment and weight of yarn, type of individual packaging, and the finish of the handle, if included. Revised price lists or revised discounts or terms and conditions of sale may be filed and published from time to time thereafter by any member of the Industry, provided, however, that such revision shall be published and filed with the Code Authority at least ten days in advance of the effective date thereof. Copies of revised price lists and discounts with notice of the effective date specified shall be sent immediately by the Code Authority to all known members of the Industry, who thereupon may file, if they so desire, revisions of their price lists and/or discounts, which may become effective upon the date when the revised price lists or discounts first filed shall go into effect.

Delete from the Code, Section 12 of Article VII, which reads as follows:

12. *Sales below Published Prices.*—No member of the Industry shall sell or offer for sale any products of the Industry at prices lower than the prices noted in his price list or on more favorable terms and conditions of sale than the terms and conditions of sale previously published and filed by such member with the Code authority in accordance with the foregoing provisions and in effect at the time of such sale.

Renumber present Sections 13, 14, 15 of Article VII to 11, 12, 13, respectively.

Approved Code No. 159—Amendment No. 1.  
Registry No. 1609-05.

Approved Code No. 369—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
EXPANDING AND SPECIALTY PAPER PRODUCTS  
INDUSTRY

As Approved on October 25, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
EXPANDING AND SPECIALTY PAPER PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Expanding and Specialty Paper Products Industry, and due notice and opportunity to be heard having been given thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said title of said act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLE, *Acting Division Administrator.*

WASHINGTON, D. C.,  
October 25, 1934.

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Expanding and Specialty Paper Products Industry which was approved by you on March 26, 1934.

The effect of this amendment will enable the Code Authority to submit a budget and basis of assessment and give it the power to institute legal proceedings, if necessary for the collection of said assessments.

The Deputy Administrator in his final report on said amendment of said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The Board finds that:

(a) The amendment of said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to propose the amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 25, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE EXPANDING AND SPECIALTY PAPER PRODUCTS INDUSTRY

Delete Article II Section 7 and substitute therefor:

7. (a) It being found necessary in order to support the administration of the Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

1. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

2. To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

3. After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participation in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which it shall have so approved.



Approved Code No. 330—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

SCRAP IRON, NONFERROUS SCRAP METALS AND  
WASTE MATERIALS TRADE

As Approved on October 25, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE SCRAP  
IRON, NONFERROUS SCRAP METALS AND WASTE MATERIALS TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act; and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

ROBERT L. HOUSTON,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 25, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade, on which a Notice of Opportunity to be Heard was published on September 10, 1934.

This amendment provides for the assessment of the members of the Trade to support the cost of administration of the Code.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code having found as herein set forth and on the basis of all proceedings in this matter:

It finds that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7, and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 25, 1934.



AMENDMENT TO CODE OF FAIR COMPETITION FOR  
THE SCRAP IRON, NONFERROUS SCRAP METALS AND  
WASTE MATERIALS TRADE

Article VI is hereby amended by deleting Section 4 and substituting in lieu thereof the following:

4. (a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authorities are authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(2) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary:

(A) Itemized budgets of their estimated expenses for the foregoing purposes, and

(B) Equitable bases upon which the funds necessary to support such budgets shall be contributed by members of the Trade.

(3) After such budgets and bases of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Trade, and to that end, if necessary, to institute legal proceedings therefor in its own name,

(b) Each member of the Trade shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authorities determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Trade complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authorities or to receive the benefits of any of their voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authorities shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in their approved budgets, and shall in no event exceed the total amount contained in the approved budgets, except upon approval of the National Industrial Recovery Board; and no subsequent budgets shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 330—Amendment No. 1.  
Registry No. 1632-27.



Approved Code No. 268—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

SECONDARY ALUMINUM INDUSTRY

As Approved on October 25, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
SECONDARY ALUMINUM INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of an amendment to a Code of Fair Competition for the Secondary Aluminum Industry, and NOTICE OF OPPORTUNITY TO BE HEARD, Administrative Order 268-5, dated September 10, 1934, having been published and no objection having been filed as provided in said published notice, and the annexed report on said amendment containing findings with respect thereto, having been made and directed to the President.

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended. such approval and such amendment to take effect ten (10) days from the date hereof unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the said Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 25, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an Amendment to the Code of Fair Competition for the Secondary Aluminum Industry, submitted by the Code Authority for the said Industry.

The existing provision of Article VI, Section (e) of the Code for the said Industry, is entirely inadequate in view of Executive Order 6678 and Administrative Order X-36, and it is therefore evident that the amendment to Article VI of said Code, the provisions of which closely follow the text of the above mentioned Orders, will overcome the existing inadequate provisions.

### FINDINGS

The Deputy Administrator in his final report to us on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, we have approved this amendment.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 25, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SECONDARY ALUMINUM INDUSTRY

Section (e), Article VI shall be stricken from the Code of Fair Competition for the Secondary Aluminum Industry and the following inserted in lieu thereof:

SECTION (e). 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry.

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contributions), shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Section (g) (7) of Article VI shall be deleted and the numbering of Section (g) (8) of Article VI shall be changed to read Section (g) (7) of Article VI.

Approved Code No. 268—Amendment No. 1.  
Registry No. 1203-1-03.

Approved Code No. 393—Amendment No. 2

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

## SOFT FIBRE MANUFACTURING INDUSTRY

As Approved on October 25, 1934

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### ORDER

#### APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE SOFT FIBRE MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Soft Fibre Manufacturing Industry, and an opportunity to be heard thereon having been given and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise; does hereby incorporate by reference said annexed report and does find that said amendments and the Code as constituted after being amended complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendments to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent Order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 25, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: This is a report on amendments to the Code of Fair Competition for the Soft Fibre Manufacturing Industry. Notice of Opportunity to be Heard on these amendments was published on September 25, 1934; no objections were received within the given fifteen (15) day period ending October 9, 1934. The amendments, which are attached, were presented by duly qualified and authorized representatives of the Industry, complying with statutory requirements, and being the duly constituted Code Authority under the provisions of the said Code for the said Industry.

These amendments provide (1) for alternates for each member of the Code Authority, (2) the period for which members of the Code Authority shall serve, (3) for the liability of members of the Code Authority, and (4) for the submission of supplementary provisions to this Code.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendments to said Code having found as herein set forth, and on the basis of all the proceedings in this matter;

The National Industrial Recovery Board finds that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7, and sub-section (b) of Section 10 thereof.

(c) The Code Authority is empowered to present the aforesaid amendments on behalf of the Industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.



(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons these amendments have been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 25, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SOFT FIBRE MANUFACTURING INDUSTRY

Section 1 (a) of Article VI of the Code is hereby deleted, and the following is hereby substituted:

(a) The Code Authority shall consist of six members and an alternate for each of said members, of whom five and their alternates shall be elected by the Soft Fibre Manufacturers' Institute and one and his alternate shall be elected by the members of the Industry who are not members of the Soft Fibre Manufacturers' Institute, but who have become entitled to participate in and share the benefits of the Code Authority. In each case the method of election shall be submitted for the approval of the National Industrial Recovery Board. Each alternate shall be elected to act for a designated member of the Code Authority in the absence or disability of said member.

Section 1 (b) of Article VI of the Code is hereby deleted, and the following is hereby substituted:

(b) Each member of the Code Authority and his alternate shall serve for one year and thereafter until their successors are selected as above provided. The death or resignation of a member of the Code Authority shall automatically create a vacancy in the office of his alternate. In case of vacancy created by death or resignation the vacancy shall be filled in the same manner as original members and/or alternates were selected.

Section 5 of Article VI of the Code is hereby deleted, and the following is hereby substituted:

5. Nothing in this Code shall constitute the members and/or alternates of the Code Authority partners for any purpose, nor shall any member or alternate of the Code Authority be liable in any manner to anyone for any act of any other member, alternate, officer, agent, or employee of the Code Authority, nor shall any member or alternate of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance, misfeasance, or non-feasance.

Amend Article VII by adding at the end of Section 2 thereof the following:

It is contemplated that from time to time supplementary provisions to this Code or additional Codes may be submitted in behalf of the Industry or various subdivisions thereof for the approval of the National Industrial Recovery Board.

Approved Code No. 393—Amendment No. 2.  
Registry No. 242-1-02.

Approved Code No. 249—Amendment No. 1

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

### TAG INDUSTRY

As Approved on October 25, 1934

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#### ORDER

#### APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE TAG INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Tag Industry, and due notice and opportunity to be heard having been given thereon, and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety, as amended, such approval and such amendments to take effect ten days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the Board issues a subsequent order to that effect. Order No. 249-5 is hereby rescinded.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 25, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on amendments to the Code of Fair Competition for the Tag Industry, which was approved by you on February 1, 1934.

Article I: The definition of "member" is enlarged.

Article II, Section 2: Prohibits any inequitable restrictions on membership on the part of any trade or industrial association which, directly or indirectly participates in the selection or activities of the Code Authority and provides further for a check on all rules and regulations of such bodies by the National Industrial Recovery Board.

Article II, Section 4: Places in the National Industrial Recovery Board the power to halt any action on the part of the Code Authority if such action is deemed to be unfair, unjust or contrary to the public interest.

Article II, Section 5: Provides for the mechanism of assessing members of the industry for the support of the functions carried on by the Code Authority as authorized in the Code.

Article II, Section 8: Provides the mechanism for coordination of trade practices between the Tag Industry and other industries.

Article II, Section 9: Limits the liability of any members of the Code Authority to his own wilfull misfeasance or nonfeasance.

Article IV, Section 6: Provides for the employment of handicapped persons.

Article V, Section 5: Provides for the posting of labor provisions in conspicuous places accessible to all employees.

Article V, Section 7: Prevents any member of the industry from applying the labor provisions as to hours and wages on projects by competent governmental authorities when such projects are carried out under hours lower and wage rates higher than those provided in the Code.

Article V, Section 9: Provides for the prohibition of homework after January 1, 1935, and for the minimum wage rates to be paid to homeworkers until then. The provision permits sufficient time to adjust to the complete elimination of homework.

Article VII, Section 15: Exempts export trade from the provisions of this article.

Article VII, Sections 1 and 2: Authorizes the Code Authority to request statistical data and information essential for the functioning of the Code Authority and provides for a checking of the accuracy of data submitted by an impartial agency if substantial doubt exists as to its accuracy. But in no case may information so examined be disclosed to competitors in identifiable form.

Article VII, Section 5: Provides for the submission of data to such Federal agencies as the National Industrial Recovery Board shall designate.

The Deputy Administrator in his final report on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The Board finds that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to propose the amendments on behalf of the Industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons these amendments have been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 25, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE TAG INDUSTRY

Article I definition of "member" is hereby amended as follows:  
"Member" Includes, but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in the Industry, either as an employer or on his or its own behalf.

Article II of the Code is hereby amended:

By the deletion therefrom of Section 2 and the substitution therefor of a new Section 2 as follows:

SECTION 2. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the National Industrial Recovery Board true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the National Industrial Recovery Board may deem necessary to effectuate the purposes of the Act.

By the deletion therefrom of Section 4 and the substitution therefor of a new Section 4 as follows:

SECTION 4. The Code Authority is charged generally with the duty of administering this Code. If the National Industrial Recovery Board shall at any time determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.

By the deletion therefrom of Section 5 and the substitution therefor of a new Section 5 as follows:

SECTION 5. (a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

1. To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

2. To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which

the funds necessary to support such budget shall be contributed by members of the Industry.

3. After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board, and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

By the addition of new Sections 8 and 9 as follows:

SECTION 8. The Code Authority may appoint a Trade Practice Committee which shall meet with the Trade Practice Committees under such other Codes as may be related to this Industry for the purpose of formulating Fair Trade Practices to govern the relationships between production and distribution employers under the Code and under such others to the end that such Fair Trade Practices may be proposed to the National Industrial Recovery Board as amendments to this Code and such other Codes.

SECTION 9. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose; nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority; nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or nonfeasance.

Article IV of the Code is hereby amended:

By the deletion therefrom of Section 6 and the substitution therefor of a new Section 6 as follows:

SECTION 6. A person whose earning capacity is limited because of age or physical or mental handicap or other infirmity may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the in-

structions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him showing the wages paid to, and the maximum hours of work for such employees.

Article V of the Code is hereby amended:

By the deletion therefrom of Section 5 and the substitution thereof of a new Section 5 as follows:

**SECTION 5.** All employers shall post and keep posted copies of the labor provisions of this Code in conspicuous places accessible to all employees. Every member of the Industry shall comply with all rules and regulations relative to the posting of provisions of Codes of Fair Competition which may from time to time be prescribed by the National Industrial Recovery Board.

By the deletion therefrom of Section 7 and the substitution thereof of a new Section 7 as follows:

**SECTION 7.** No provision of this Code shall supersede provisions as to hours, wages, and conditions of employment which are established for specific project by competent governmental authority acting in accordance with law, or to terms of employment which are established by labor agreements now in force, as to wages where wages are higher; as to hours where hours of labor are shorter; as to wages and hours of labor where wages are higher and hours of labor are shorter than those set forth in this Code.

By the deletion therefrom of Section 9 and the substitution thereof of a new Section 9 as follows:

**SECTION 9.** The manufacture or partial manufacture of any product of the Industry in homes is prohibited after January 1, 1935. Prior to January 1, 1935, the following provisions shall govern home work in the Industry:

(a) Within five (5) days after the effective date of this amendment, the Code Authority shall prescribe a schedule of rates to be paid for all home work operations and submit the same to the National Industrial Recovery Board. In no event shall such schedule prescribe rates which will yield a home worker for an hour's work less than eighty (80) per cent of the minimum rates of wages prescribed in Article IV of this Code. After the aforementioned five day period and prior to November 1, 1934 no home worker shall be paid at rates less than those contained in such schedule. The Code Authority shall furnish every home worker employed in the Industry with a copy of such schedule and a copy of this amendment.

(b) Within ten (10) days after the effective day of this amendment the Code Authority shall prescribe a second schedule of rates to be paid for all home work operations and submit the same to the National Industrial Recovery Board. In no event shall such schedule prescribe rates which will yield a home worker for an hour's work less than the minimum rates of wages prescribed in Article IV of this Code. After November 1, 1934 no home worker shall be paid at rates less than those contained in such schedule. The Code Authority shall furnish every home worker employed in the Industry with a copy of such schedule.

(c) Each member of the Industry shall submit to the Code Authority within five (5) days after the effective date of this amendment



and on the first day of each month thereafter, the following reports:

1. The names and addresses of every home worker employed by such member, together with evidence that he has complied with all State, municipal, and other laws, including the wage provisions of this Code, pertaining to home work.

2. A progress report on the installation of machinery in accordance with the plan submitted by such member and approved by the Code Authority.

The Code Authority shall submit such reports by members to the National Industrial Recovery Board prior to the fifth day of each month.

Article VI is hereby amended:

By the addition of a new Section 15 as follows:

SECTION 15. No provision of this Article, relating to prices or terms of selling, shipping or marketing, shall apply to export trade or sales or shipments for export trade. "Export Trade" shall be as defined in the Export Trade Act adopted April 10, 1918.

Article VII is hereby amended:

By the deletion therefrom of Section 1 and the substitution thereof of a new Section 1 as follows:

SECTION 1. Each member shall prepare and file with an impartial agent designated by the Code Authority at such times and in such manner as it may prescribe, such statistics, data, and information relating to plant capacity, volume of production, volume of sales in units and dollars, orders received, unfilled orders, stocks on hand, inventory both raw and finished, number of employees, wage rates, employee earnings, hours of work and other matters, as the Code Authority or the National Industrial Recovery Board may from time to time require. Any or all information so furnished by any member shall be subject to checking for the purpose of verification by an examination of the books, accounts, and records of such member by a disinterested party acceptable to both the member and the Code Authority. If these two cannot agree, then the National Industrial Recovery Board shall have the right to choose one.

By the addition of a new Section 2 as follows:

SECTION 2. Each member of the Industry shall keep accurate and complete records of such member's transactions in the Industry whenever such records may be required under any of the provisions of this Code, and shall furnish accurate reports based upon such records concerning any of such activities when required by the Code Authority or the National Industrial Recovery Board. If the Code Authority or the National Industrial Recovery Board shall determine that substantial doubt exists as to the accuracy of any such report, so much of the pertinent books, records and papers of such member as may be required for the verification of such report may be examined by an impartial agency agreed upon between the Code Authority, and such member, or, in the absence of agreement, appointed by the National Industrial Recovery Board. In no case shall the facts disclosed by such examination be made available in identifiable form to any competitor, whether on the Code Authority, or otherwise, or be given any other publication, except such as may be required for the proper administration or enforcement of the provisions of this Code.

Section 2 to be re-numbered as Section 3, Section 3 to be re-numbered as Section 4, the deletion therefrom of Section 4 and the addition of a new Section 5 as follows:

SECTION 5. In addition to information required to be submitted to the Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the National Industrial Recovery Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as it may designate; provided that nothing contained in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agencies as may be directed by the National Industrial Recovery Board.

Approved Code No. 249—Amendment No. 1.  
Registry No. 404-1-07.

Approved Code No. 116—Amendment No. 1

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

### MOP STICK INDUSTRY

As Approved on October 26, 1934

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#### ORDER

#### APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE MOP STICK INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Mop Stick Industry, and due consideration having been given thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said code complies in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the said Board before that time and the Board issues a subsequent Order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,  
*Acting Division Administrator*,

WASHINGTON, D. C.,  
October 26, 1934.

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the amendment to the Code of Fair Competition for the Mop Stick Industry, which has been submitted in accordance with Executive Order No. 6678.

This amendment enables the Code Authority to incur such reasonable obligations as are necessary to support the administration of the code and to maintain the standards of fair competition established by this code. It also enables the Code Authority to submit an itemized budget, and an equitable basis upon which the funds necessary to support such budget shall be contributed by the members of the industry. Such contributions are made mandatory by this amendment.

The Deputy Administrator in his final report to us on said amendment of said code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendment of said code and the code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving the standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10.

(c) The amendment and the code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 26, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE MOP STICK INDUSTRY

Amend Article VI, Section 2, Subsection (c) by deleting the present text and substituting in lieu thereof the following:

1. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purpose of the Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry shall pay his or its equitably contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contributions), shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board have so approved.

Approved Code No. 116—Amendment No. 1.  
Registry No. 328-02.

Approved Code No. 20—Amendment No. 1

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**SALT PRODUCING INDUSTRY**

As Approved on October 26, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE SALT  
PRODUCING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Salt Producing Industry, and an opportunity to be heard having been afforded all interested parties and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLEY,  
*Acting Division Administrator,*

WASHINGTON, D. C.,  
*October 26, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the amendment to the Code of Fair Competition for the Salt Producing Industry. An opportunity to be heard has been duly afforded to all interested parties.

This amendment provides for the addition of two paragraphs to Article V, which allow the Code Authority for this Industry, to incorporate under the laws of any State of the United States or the District of Columbia.

### FINDINGS

The Acting Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code having found as herein set forth and on the basis of the proceedings in this matter the National Industrial Recovery Board finds that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said title of said act, including without limitation subsection (a) of section 3, subsection (a) of section 7 and subsection (b) of section 10 thereof.

(c) The Code empowers the Salt Producing Industry Code Committee to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.



(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For The National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 26, 1934

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SALT PRODUCING INDUSTRY

Add to Article V, two paragraphs designated and reading as follows:

(g) The Code Committee may incorporate under the laws of any State of the United States or of the District of Columbia, such incorporation to be not for profit and to be known as "Salt Producing Industry Code Committee, Inc."; provided that the powers, duties, objects and purposes of the said Corporation shall, to the satisfaction of the National Industrial Recovery Board, be limited to the powers, duties, objects and purposes of the Code Committee as provided in the Code; provided further that the Code Committee shall submit to the National Industrial Recovery Board for its approval its proposed certificate of incorporation and proposed By-Laws, and no amendment of either shall be made without the like prior approval of said Board.

(h) If at any time, the National Industrial Recovery Board shall determine that the corporate status assumed by the Code Committee is interfering with the proper exercise of its powers and duties under this Code, or with the effectuation of the policies or purposes of the Act, it may, after such notice and hearing as it may deem necessary, require an appropriate modification of the structure of the Corporation (if consistent with the law of the State of Incorporation), the substitution of a corporation created under the laws of another State in the same manner as the existing Code Committee, the substitution of a non-corporate Code Committee truly representative of the Industry or such other actions as it may deem expedient.

Approved Code No. 20—Amendment No. 1.  
Registry No. 140-1-01.

Approved Code No. 405—Amendment No. 1

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**SHOE LAST AND SHOE FORM INDUSTRIES**

As Approved on October 26, 1934

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ORDER

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE SHOE  
LAST AND SHOE FORM INDUSTRIES**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Shoe Last and Shoe Form Industries, and due consideration having been given thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said code complies in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act; and does hereby order that said amendment be and it is hereby approved; and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the said Board before that time and the Board issues a subsequent Order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,  
*Acting Division Administrator*.

WASHINGTON, D. C.,  
*October 26, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Shoe Last and Shoe Form Industries, which has been submitted in accordance with Executive Order No. 6678.

This amendment enables the Code Authority to incur such reasonable obligations as are necessary to support the administration of the code and to maintain the standards of fair competition established by this code. It also enables the Code Authority to submit an itemized budget, and an equitable basis upon which the funds necessary to support such budget shall be contributed by the members of the industry. Such contributions are made mandatory by this amendment.

The Deputy Administrator in his final report to us on said amendment of said code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendment of said code and the code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The amendment and the code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 26, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SHOE LAST AND SHOE FORM INDUSTRIES

Amend Article VI, A, Section 6, by deleting the present text and substituting in lieu thereof the following:

Section 6 (a) It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority or any Administrative Agency operating under a Supplementary Code is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(2) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(3) After such budget and basis of contribution have been approved by the National Industrial Recovery Board to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, or Administrative Agency, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority, or Administrative Agency, or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority, or Administrative Agency shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the said Board shall have so approved.

(d) Nothing in the foregoing paragraphs shall prohibit the Code Authority from requesting voluntary contributions from any Administrative Agency to cover services of the Code Authority Secretary and Treasurer properly chargeable to said Administrative Agency.

Approved Code No. 405—Amendment No. 1.  
Registry No. 322-01.

**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**WHOLESALEING OR DISTRIBUTING TRADE**

**As Approved on October 26, 1934**

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE**  
**WHOLESALEING OR DISTRIBUTING TRADE**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Wholesaleing or Distributing Trade, and notice of opportunity to be heard having been duly given thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report, and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

ROBERT L. HOUSTON,  
*Division Administrator*.

WASHINGTON, D. C.,  
*October 26, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Wholesaling or Distributing Trade, said Code being Approved Code No. 201, approved by you on January 12, 1934.

This Code has been amended by striking out Section 4 of Article VI and inserting a new section which will empower the General Code Authority for the above Trade to submit a budget and basis of contribution for each member of the Trade and to obtain equitable contributions from all members of the Trade.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter;

It finds that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to the approval of this amendment to the Code.

For these reasons the amendment to the above-named Code has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 26, 1934.



## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WHOLESALING OR DISTRIBUTING TRADE

The Code of Fair Competition for the Wholesaling or Distributing Trade is hereby amended by striking out Section 4 of Article VI and inserting a new Section 4 reading as follows:

Section 4. *Payment of Cost of Code Administration.*—(a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established under this Code and to effectuate the policy of the Act, the General Code Authority is authorized

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(2) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (i) an itemized budget of its estimated expenses for the foregoing purposes, and (ii) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Trade;

(3) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contributions as above set forth by all members of the Trade, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Trade not governed by a specific Supplementary Code for the particular commodity division in which he or it operates shall pay his or its equitable contribution to the expenses of the maintenance of the General Code Authority direct to the General Code Authority, and each member of the Trade operating within a specific commodity division for which has been approved a Supplementary Code shall pay his or its equitable contribution to the expenses of the maintenance of the General Code Authority through the Divisional Code Authority administering the Supplementary Code governing the commodity division within which such member of the Trade operates, and each Divisional Code Authority as such shall pay its equitable contribution to the expenses of the maintenance of the General Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Trade complying with the General Code and contributing to the expenses of the administration of the said Code as hereinabove provided, unless duly exempted from making such contributions, shall be entitled through such Divisional Code Authorities, or as otherwise provided, to participate in the selection of members of the General Code Authority or to receive the benefits

of any of the voluntary activities of said Code Authority or to make use of any emblem or insignia of the National Recovery Administration.

(c) The General Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 201—Amendment No. 1.  
Registry No. 1625-59.

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**WRECKING AND SALVAGE INDUSTRY**

As Approved on October 26, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
WRECKING AND SALVAGE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Wrecking and Salvage Industry, and hearings having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise does hereby incorporate by reference, said annexed report and does find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendments to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect:

PROVIDED, HOWEVER, that the proposed amendment which would add the States of Arkansas and Texas to those at present set forth in Section 1, Paragraph C of Article IV of the Code is hereby denied and the present provision of said Section and Paragraph of Article IV is to remain in full force and effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

WALTER G. HOOKE,  
*Acting Division Administrator*,

WASHINGTON, D. C.,  
*October 26, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on Amendments to the Code of Fair Competition for the Wrecking and Salvage Industry, as approved by the Administrator for Industrial Recovery on March 3, 1934.

The purpose of the Amendments as approved is to define, for this Industry, the Metropolitan area of the City of New York. The further purpose of the Amendments is to enable the Code Authority to submit a budget and basis of assessment and to give it power to institute legal proceedings, if necessary, for the collection of assessments, to provide for the registration of members of the Industry and other features that will materially aid in the effective administration of this Code.

The Deputy Administrator in his final report to the Board on said Amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter;

The National Industrial Recovery Board finds that:

(a) The Amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The Amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendments.

For these reasons these Amendments have been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 26, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WRECKING AND SALVAGE INDUSTRY

1. To modify Article II by adding the following section to be known as 12:

12. The term "metropolitan area of the City of New York" is defined to mean the area within the territorial limits of the City of New York.

2. To amend Article III by the addition of the following section, to be known as 7:

7. No employer shall knowingly permit any employee to work for any time which, when added to the time spent at work for another employer or employers in this industry (or otherwise), exceeds the maximum permitted hours.

3. Article IV to be amended as follows:

(a) Amend 1 (c) to read:

(c) Thirty cents (30¢) per hour in the States of Alabama, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, Tennessee, Arkansas and Texas.

(b) To add the following section to be known as 6:

6. Wages as they become due shall be payable in lawful currency of the United States, or by negotiable check therefor payable on demand at par. If wages are paid by check, the employer shall provide reasonably accessible facilities for cashing such checks at face value without expense to the employee. Employers shall also provide such identification as is necessary to utilize such facilities. These wages shall be exempt from any payments for pensions, insurance or sick benefits other than those voluntarily paid by the wage earners, or required by law. Wages shall be paid at least semi-monthly. Employers or their agents shall not accept, directly or indirectly, rebates on such wages, nor give anything of value, nor extend any favors to any persons for the purpose of influencing rates of wages or working conditions of their employees.

(c) Amend 3 (c) by adding the following sentence:

The employment of persons whose earning capacity is limited because of age or physical or mental handicap, shall be subject to rules and regulations approved or prescribed by the President.

4. To amend Article V, as follows:

(a) Substitute a new 5, to read:

5. No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection than are imposed by this Code. Every employer shall comply with the Workmens Compensation laws of the State in which operations are carried on.

(b) Substitute a new 7, to read:

7. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees at both yard and site. Every member of the industry shall comply with all rules and regulations relative to the posting of provisions of the Code of Fair Competition, which may from time to time be approved or prescribed by the National Industrial Recovery Board.

(c) Delete 8 making 9 and 10 become 8 and 9.

(d) Substitute a new 9 to read:

9. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be substituted by the Code Authority to the National Industrial Recovery Board within sixty days after the effective date of this Amendment. After approval, such standards shall become the minimum standards of safety and health for all members of this Division.

5. To amend Article VI, as follows:

(a) Substitute a new 5, to read:

5. If the National Industrial Recovery Board shall at any time determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.

(b) Amend 6 (d) by adding the following sentence:

Provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code.

(c) Delete (g) and (h) of 6. and (i), (j), (k) and (1) becoming (g), (h), (i) and (j).

(d) Substitute a new 7, to read:

7. 1. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by

all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator or the National Industrial Recovery Board. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contribution) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

(e) To add a new section, to be known as 8:

8. Each member of the industry within thirty (30) days after the approval of the amendments to this code shall register with the Code Authority. All members of this industry who may engage in this industry thereafter shall likewise register with the Code Authority. Registration of a member of this industry shall include the full name and mailing address of the member. An application shall be made by the Code Authority to the National Industrial Recovery Board for an extension of the time limit for the registration by any member of this industry, if it appears that the time limit as provided herein might cause injustice or undue hardship to any member of this industry.

(f) Add a new section, to be known as 9:

9. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or non-feasance.





Approved Code No. 465—Amendment No. 1

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

## BROOM MANUFACTURING INDUSTRY

As Approved on October 27, 1934

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### ORDER

#### APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE BROOM MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Broom Manufacturing Industry and opportunity to be heard having been afforded all members of said Industry and objections filed having been duly considered and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said title of said act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the said Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 27, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment of Section 11 (d) of Article VI of the approved Code of Fair Competition for the Broom Manufacturing Industry, number 465. This Code was approved by you on June 18, 1934.

Pursuant to Executive Order No. 6678, dated April 14, 1934, the Code Authority for the Broom Manufacturing Industry, in accordance with Section 1 (b) of Article X of said Code, having found it necessary in order to support the administration of this Code and to maintain standards of fair competition established by this Code, and to effectuate the policies of the Act, has made application for an amendment of said Code in order to provide for a method of assessment and a budget to support the expense of the administration of this Code.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment of said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The National Industrial Recovery Board finds that:

(a) The amendment of said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce, which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and the management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industry, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation, subsection (a) of section 3, subsection (a) of section 7 and subsection (b) of section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises, and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said modification.

In accordance with Executive Order No. 6678, dated April 14, 1934, the amendment of this Code has been approved by said Board.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 27, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BROOM MANUFACTURING INDUSTRY

(1) Omit the present provisions of Section 11 (d) of Article VI, and in lieu thereof insert the following:

SECTION 11 (d). It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the Administrator for his approval subject to such notice and opportunity to be heard as he may deem necessary;

(1) An itemized budget of its estimated expenses for the foregoing purposes, and

(2) An equitable basis upon which the funds necessary to support such budget shall be paid by members of the industry.

(c) After such budget and basis of assessment have been approved by the Administrator, to determine and obtain equitable payment of assessment as above set forth by all members of the industry, and to that end if necessary, to institute legal proceedings therefor in its own name.

Each member of the Industry shall pay his or its equitable contribution and/or assessment to the expenses of the maintenance of the Code Authority and the Regional Committees determined as hereinabove provided and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contribution) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

The Code Authority and Regional Committees shall neither incur nor pay any obligations substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

(2) Delete Section 11 (e) of Article VI.

Approved Code No. 465—Amendment No. 1.  
Registry No. 1609-06.

Approved Code No. 201K—Amendment No. 1

**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION**

FOR THE

**FUR WHOLESALING AND DISTRIBUTING TRADE**

As Approved on October 27, 1934

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**ORDER**

**APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COM-  
PETITION FOR THE FUR WHOLESALING AND DISTRIBUTING TRADE**

A DIVISION OF THE WHOLESALING OR DISTRIBUTING TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Supplementary Code of Fair Competition for the Fur Wholesaling and Distributing Trade to the Code of Fair Competition for the Wholesaling or Distributing Trade, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Supplementary Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby amended to include an approval of said Supplementary Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

ROBERT L. HOUSTON,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 27, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: The Order approving the Supplementary Code of Fair Competition for the Fur Wholesaling and Distributing Trade stayed the application of Section 1 and Section 2 of Article VII of said Supplementary Code, pending further study and investigation of the probable effects of such provisions on the established practices and marketing needs of the Trade and recommendations of the Divisional Code Authority. Subsequent to the approval of said Supplementary Code, the Divisional Code Authority has conducted investigations on the subject and has submitted to the National Industrial Recovery Board for approval an amendment of said Section 1 of Article VII. A public hearing on this amendment was held on September 25, 1934 at 1:00 P. M. in Room 2062, Department of Commerce Building, Washington, D. C. No objections of any sort were offered to the amendment by members of this or any other Trade.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Supplementary Code having found as herein set forth and on the basis of all the proceedings in this matter;

It finds that:

(a) The amendment to said Supplementary Code and the Supplementary Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the industries, by avoiding undue restriction of production, (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Supplementary Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7, and subsection (b) of Section 10 thereof.

(c) The Supplementary Code empowers the Divisional Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Supplementary Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to the approval of said amendment.

For these reasons, therefore, it has approved the amendment.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 27, 1934.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION FOR THE FUR WHOLESALING AND  
DISTRIBUTING TRADE

A DIVISION OF THE WHOLESALING OR DISTRIBUTING TRADE

The Supplementary Code of Fair Competition for the Fur Wholesaling and Distributing Trade is hereby amended by omitting Section 1, Article VII, and substituting therefore the following:

1. The maximum terms for sale of fur garments are as follows: eight per cent (8%), ten (10) days, e. o. m., six per cent (6%), ten (10) days, e. o. m., sixty (60) days extra; or net thereafter. Shipments after the twenty-ninth (29th) day of any month may be dated as of the first day of the following month.

Approved Code No. 201K—Amendment No. 1.  
Registry No. 912-11.



Approved Code No. 259—Amendment No. 1

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

## HAT MANUFACTURING INDUSTRY

As Approved on October 27, 1934

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### ORDER

#### APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE HAT MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Hat Manufacturing Industry, and an opportunity to be heard having been afforded thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859 and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act and does hereby order that said Amendment be, and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator*.

WASHINGTON, D. C.,  
*October 27, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House,*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act for an amendment to the Code of Fair Competition of the Hat Manufacturers Industry to provide that the mandatory assessment clause, standard under Administrative Order X-36, shall be included in said Code. Notice of Opportunity to be Heard on said Amendment was published by the Administration on July 27, 1934.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said Amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The National Industrial Recovery Board finds that:

(a) The amendment to said Code and

The Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the afore-said amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 27, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE HAT MANUFACTURING INDUSTRY

The Code of Fair Competition for the Hat Manufacturing Industry shall be amended by amending the present provisions of Section 2 of Article V in the following manner: (1) Delete the present subsections (f) and (g); (2) Substitute the present subsection (h) for subsection (g); (3) Substitute the present subsection (i) for subsection (h); (4) Substitute for the deleted subsection (f) the following:

It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which shall be held in trust for the purposes of the Code.

(2) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as may be deemed necessary (1) an itemized budget of its estimated expenses for going purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry.

(3) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(4) Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinabove provided (unless duly exempted from making such contributions) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

5. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 259—Amendment No. 1.  
Registry No. 233-02.



AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

WHOLESALE MONUMENTAL GRANITE INDUSTRY

As Approved on October 27, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
WHOLESALE MONUMENTAL GRANITE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of an amendment to a Code of Fair Competition for the Wholesale Monumental Granite Industry, and NOTICE OF OPPORTUNITY TO BE HEARD, Administrative Order 449-5, dated September 15, 1934, having been published and no objection having been filed as provided in said published notice, and the annexed report on said amendment containing findings with respect thereto, having been made and directed to the President.

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 27, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an Amendment to the Code of Fair Competition for the Wholesale Monumental Granite Industry, submitted by the Code Authority for the said Industry.

The existing provision of Article VI, Section 13 of the Code for the said Industry, is entirely inadequate in view of Executive Order 6678 and Administrative Order X-36, and it is therefore evident that the amendment to Article VI of said Code, the provisions of which follow closely the text of the above mentioned Orders, will overcome the existing provisions.

### FINDINGS

The Deputy Administrator in his final report to us on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, we have approved this amendment.  
For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 27, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WHOLESALE MONUMENTAL GRANITE INDUSTRY

Delete Section 13 of Article VI and substitute therefor the following:

SECTION 13. *Participation in the Code.*—(a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code:

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(3) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the industry, shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contribution, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditure in excess of prior budget estimates except those which the Administrator shall have so approved.

Delete Section 15 (m) of Article VI. Change Subsection 15 (n) to read Subsection 15 (m), change Subsection 15 (o) to read Subsection 15 (n), and change Subsection 15 (p) to read Subsection 15 (o).



Approved Code No. 3—Amendment No. 3

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**WOOL TEXTILE INDUSTRY**

**As Approved on October 27, 1934**

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE WOOL  
TEXTILE INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Wool Textile Industry, and a notice of opportunity having been issued and the annexed report on said amendment, containing findings with respect thereto having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board pursuant to authority vested in it by Executive Orders of the President, including Executive Order 6859, dated September 27, 1934, and otherwise, do hereby incorporate by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect 15 days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 27, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The attached amendment to the Code of Fair Competition for the Wool Textile Industry has been duly presented by the Code Authority.

Experience has shown the Industry that the restriction imposed by the Code on the practice of 'selling at value' serves no useful purpose, and has prevented members of the Industry from booking business in advance of the opening of the ensuing season.

### FINDINGS

The Deputy Administrator in his final report to us on said amendment to said Code having found as hereinafter set forth on the basis of all the proceedings in this matter;

We find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving the standards of labor, and by otherwise rehabilitating industry;

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof;

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

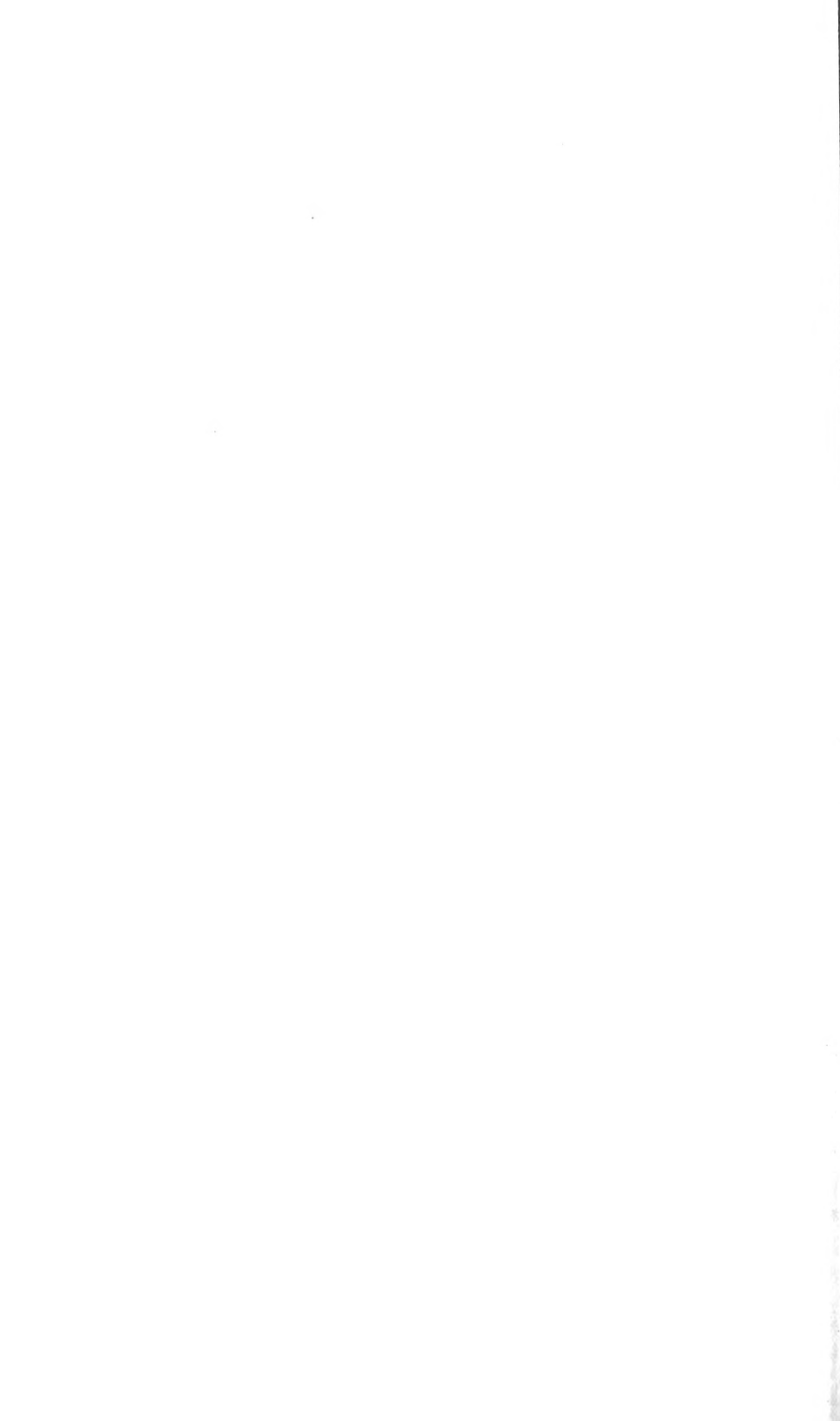
OCTOBER 27, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR  
THE WOOL TEXTILE INDUSTRY

Amend Article XIII, Section 2, by deleting the words " or selling, 'at value'" so that said Article XIII, Section 2, shall read as follows:

"SECTION 2. Granting (excepting in connection with Government contracts) options or reservations or guaranteeing prices against either advances or declines."

Approved Code No. 3—Amendment No. 3.  
Registry No. 286-04.



Approved Code No. 421—Amendment No. 1

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

## MARBLE QUARRYING AND FINISHING INDUSTRY

As Approved on October 29, 1934

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### ORDER

#### APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE MARBLE QUARRYING AND FINISHING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Marble Quarrying and Finishing Industry, and hearings having been duly held thereon and the annexed report on said amendment containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 29, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: The Public Hearing on an Amendment to the Code of Fair Competition for the Marble Quarrying and Finishing Industry, as proposed by the Marble Industry Employers' Association of New York and Vicinity, and assented to by the Code Authority for the said Industry, was conducted in Washington, D. C., on the thirteenth day of June, 1934. Everyone who requested an appearance was heard in accordance with the regulations of the National Recovery Administration. There were present duly authorized representatives of the Code Authority for the Industry.

The proposed Amendment establishes a regional committee for the Metropolitan District of the City of New York as provided in Article V, Section 6 of the Marble Quarrying and Finishing Code.

The proponents of this Amendment, the Marble Industry Employers' Association, is composed of thirty-six firms operating plants for the fabricating and erection of marble for use principally in the interior of buildings and structures. The member firms fabricate and erect more than ninety percent of the marble used in buildings and structures in the New York City area and have a combined investment representing a total of ten million dollars. Of the total amount of marble used in the United States, approximately twenty-five percent is finished and erected in the Metropolitan District of the City of New York.

The Deputy Administrator in his final report to us on said Amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, and promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Marble Industry Employers' Association of New York and Vicinity was and is an industrial association truly representative of the aforesaid Industry in the Metropolitan District of the City of New York, and that said association imposed and imposes no inequitable restrictions on admission to membership therein and has applied for this Amendment, which Amendment has been assented to by the Code Authority for the said Industry.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of such Amendment.

For these reasons, therefore, we have approved this Amendment.  
For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 29, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE MARBLE QUARRYING AND FINISHING IN- DUSTRY

Add to Article V, a new sub-section 6A as follows:

SECTION 6A (1). A Regional Committee is hereby constituted to administer the provisions of this Code in the Metropolitan District of the City of New York (which shall include Greater New York, Long Island, and the territory within twenty-five miles from the present New York City line) and shall consist of five members to be selected as follows:

(a) The Code Authority member elected by the members of the Industry within the Metropolitan District of the City of New York, in accordance with Article V, Section 1 (b), shall be a member of this Regional Committee. He shall hold office as a member of this Committee during his term as a member of the Code Authority.

(b) Within ten days after the election and recognition of the Code Authority member elected by the members of the Industry within the Metropolitan District of the City of New York, four other members of the Regional Committee shall be selected in the manner and for the terms stated in the following paragraphs:

(c) If the Code Authority member elected by the members of the Industry within the Metropolitan District of the City of New York is a member of the Marble Industry Employers' Association of New York and Vicinity, the Executive Committee of the said Association shall appoint two members to the Regional Committee; in the event that the said Code Authority member elected by the members of the Industry within the Metropolitan District of the City of New York is not a member of the said Association, then the Executive Committee of the said Association shall appoint three members to the Regional Committee;

(d) The members of the Industry who are not members of the Marble Industry Employers' Association of New York and Vicinity shall, within ten days after the election and recognition of the Code Authority member elected by the members of the Industry within the Metropolitan District of the City of New York, elect two members to the Regional Committee; provided, however, that if the Code Authority member elected by the members of the Industry within the Metropolitan District of the City of New York is not a member of the said Association, that those members of the Industry who are not members of the said Association shall elect only one member to the Regional Committee;

(e) The Secretary of the Marble Industry Employers' Association of New York and Vicinity, in order to secure an orderly election



of members to the Regional Committee by the members of the Industry who are not members of the said Association, shall notify every member of the Industry within the said Region of the time and place for this election and that voting shall be in person or by proxy;

(f) The election and appointment of members to the Regional Committee shall be held and made within ten days after the approval of this amendment; and the members so elected and appointed shall hold office until the usual date of election stated in the following paragraph:

(g) The usual date of election shall be within ten days after the election and recognition of the Code Authority member elected by the members of the Industry within the Metropolitan District of the City of New York:

(h) The method of election of said Regional Committee shall be approved by the Code Authority and the Administrator.

(2) This Regional Committee shall have the following powers and duties and such other powers and duties as may be delegated by the Code Authority and shall exercise such powers subject to review by the Code Authority, and disapproval of the Code Authority if found to be inconsistent with the power and authority granted the Code Authority by this Code or with the Act. In case any question of consistency or inconsistency arises the burden of proof rests with the Regional Committee.

(a) To effect the provisions of Section 2 of Article IV of the Code, to create the necessary agencies of employers to conduct negotiations between truly representative groups of employees and employers in said Region covering wages, hours of labor, and conditions of employment.

(b) To appoint a Regional Commissioner who shall serve as its disinterested and impartial Agent within the Metropolitan District of the City of New York in the performance of the duties delegated to the "Commissioner" under Sections 1 to 15 inclusive of Subdivision "B", of Article VI of this Code, and any additions or amendments thereto, and within said Region to act in the place and stead of the "Commissioner";

(c) To appoint a Regional Trade Practice Committee for the purpose of formulating fair trade practices to govern the members of the Industry within the Metropolitan District of the City of New York, to the end that such fair trade practices may be proposed to the Code Authority for transmission, with the recommendations of the Code Authority, to the Administrator for his approval;

(d) To cause to be formulated additions and/or modifications to the general accounting system and method of cost finding and/or estimating provided in Article VII for the Industry if such system and method is found to be inadequate for the operations peculiar to said Region. Said additions and/or modifications shall be submitted to the Code Authority for approval and transmission to the Administrator for approval. If approved by the Administrator, full information concerning such methods shall be made available

to all members of the Industry in said Region. Thereafter, each member of the Industry in said Region shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Regional Committee, any agent thereof, or any member of the Industry in said Region, to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

(e) To submit to the Code Authority full and complete copies of all minutes and records and such other information as the Code Authority or the Administrator may require;

(3) It being found necessary in order to support the administration of this Code within the Metropolitan District of the City of New York by this Regional Committee, and in order to obtain the standards of fair competition established in this Code and to effectuate the policy of the Act, the Regional Committee is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes mentioned above;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry in this Region;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industry in the Region, and to that end, if necessary, to institute legal proceedings therefor in its own name;

(4) Each member of the Industry within the Metropolitan District of the City of New York shall pay his or its equitable contribution to the expenses of the maintenance of the Regional Committee, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry within said Region complying with the Code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contribution), shall be entitled to participate in the selection of members of the Regional Committee or to receive the benefits of any of its voluntary activities, or to make use of any emblem or insignia of the National Recovery Administration. But voluntary contribution prior to the approval of a budget and equitable basis of assessment for this Region shall not be considered a prerequisite to the right to vote for the members of the Regional Committee.

(5) The Regional Committee shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any defi-

ciency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

(6) The equitable basis of contribution set out in Article V, Section 5 shall make due allowance in favor of members of the Industry in this Region for the expense of any Code Authority activities performed for the Code Authority by this Regional Committee.

Approved Code No. 421—Amendment No. 1.  
Registry No. 1023-28.



**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**PYROTECHNIC MANUFACTURING INDUSTRY**

As Approved on October 29, 1934

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
PYROTECHNIC MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Pyrotechnic Manufacturing Industry, and an opportunity to be heard having been afforded all interested parties and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 29, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Pyrotechnic Manufacturing Industry. An opportunity to be heard has been duly afforded all interested parties.

This amendment enables the Code Authority to incur such reasonable obligations as are necessary for the administration of the Code. It requires that the Code Authority submit for the approval of the Administration an itemized budget and equitable basis of pro rating the assessments to be collected from the members of the industry. Payment of an equitable contribution to the expenses of the Code Authority by members of the industry is made mandatory by this amendment.

### FINDINGS

The Acting Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code having found as herein set forth and on the basis of the proceedings in this matter the National Industrial Recovery Board finds that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said title of said act, including without limitation subsection (a) of section 3, subsection (a) of section 7 and subsection (b) of section 10 thereof.

(c) The Code empowers the Pyrotechnic Manufacturing Industry Code Authority Board to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 29, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE PYROTECHNIC MANUFACTURING INDUSTRY

Delete Section 4 (b) of Article VI, Administration and substitute therefor the following:

(b) It being necessary to support the Administration of this Code, in order to effectuate the policy of the Act and to maintain the standards of fair competition established hereunder, the Code Authority Board is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(2) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(3) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority Board, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided (unless duly exempted from making such contribution), shall be entitled to participate in the selection of members of the Code Authority Board or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

The Code Authority Board shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the said Board shall have so approved.

Approved Code No. 148—Amendment No. 1.  
Registry No. 611-02.



## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

### FARM EQUIPMENT INDUSTRY

As Approved on October 30, 1934

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#### ORDER APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE FARM EQUIPMENT INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Farm Equipment Industry, and an opportunity to be heard having been duly afforded to all interested parties and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved and that, effective immediately, the said Code of Fair Competition for the Farm Equipment Industry be and it is hereby amended as follows:

In Article XI, that part of the first paragraph, which has heretofore read as follows:

“This Code and any amendments thereof shall remain in effect until November 1, 1934, unless sooner terminated by action or approval of the President.”

shall be amended to read as follows:

“This Code and any amendments thereof shall remain in effect until February 1, 1935, unless terminated by action or approval of the President.”

NATIONAL INDUSTRIAL RECOVERY BOARD.  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator*.

WASHINGTON, D. C.,  
October 30, 1934.

## REPORT TO THE PRESIDENT

The **PRESIDENT**,  
*The White House.*

SIR: Under the Code of Fair Competition for the Farm Equipment Industry as approved October 3, 1933, the Code Authority for said Industry has submitted an Amendment to said Code, which if approved, would extend the expiration date from November 1, 1934 to June 16, 1935. The Code in its present form does not conform to Administration Policy in a number of respects and for this reason, the expiration date has been extended to February 1, 1935 instead of June 16, 1935 as requested by the Industry. Within the three months period of extension a Public Hearing will be held to consider additional amendments. The amendment extending the expiration date to February 1, 1935 is embodied in the Order.

An opportunity to be heard was duly noticed and no objections were received from the Industry or from interested parties associated with the Industry.

### FINDINGS

The Deputy Administrator in his final report on said Amendment to said Code having found as herein set forth and on the basis of all proceedings in this matter,

It is found that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Farm Equipment Institute was and is an Industrial Association truly representative of the aforesaid Industry and that said Farm Equipment Institute imposed and imposes no inequitable restrictions on admission to membership therein and has applied for

this amendment through the Code Authority of the aforesaid Industry.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, this amendment has been approved.  
For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 30, 1934.

Approved Code No. 39—Amendment No. 3.  
Registry No. 1303-1-04.



**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION**

FOR THE

**METALLIC WALL STRUCTURE INDUSTRY**

As Approved on October 30, 1934

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**ORDER**

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE METALLIC WALL STRUCTURE INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Supplementary Code of Fair Competition for the Metallic Wall Structure Industry, and a hearing having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendments and the Supplementary Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said Supplementary Code is hereby modified to include an approval of said Supplementary Code in its entirety as amended, such approval and such amendments to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October, 30, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for amendment of the Supplementary Code of Fair Competition for the Metallic Wall Structure Industry by the Supplementary Code Authority for that Industry, on which a public hearing was held in Washington, D. C. on September 12, 1934.

The name of the industrial association originally sponsoring this Supplementary Code has been changed and Article II, Section 7, is accordingly amended.

Article III has been rewritten to definitely incorporate in this Supplementary Code the labor provisions of the Basic Code for the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry.

The deletion of Section 1 of Article IV and the substitution of a new section is for the purpose of making the election of the Supplementary Code Authority more equitable.

Article IV, Section 4 has been rewritten to conform to the provisions of the model Code.

The addition to the wording of Subsection (d) of Section 5, Article IV, provides for the impartial agency to operate the Quantity Bureau for the purpose of checking the bids made by members of the Industry.

Subsection (e) of Section 5, Article IV, has been deleted for the reason that these provisions are now covered in the mandatory assessments provisions which are also incorporated in the Supplementary Code by this amendment.

The Supplementary Code in Subsection (f) of Section 5, Article IV, as originally approved, in effect, provided for voluntary contributions on the part of the members of the Industry. The present amendment of this Subsection is proposed to create a legal obligation, on the part of the Industry Members, to pay their pro rata share of the expenses of the Supplementary Code Authority.

A new Subsection (h) of Section 5, Article IV, has been inserted in lieu of the original Subsection (h) and the new provisions relate to the collection of statistical information.

The new Section 6 of Article IV, provides for the members of the Industry to file a complaint of any alleged violation of the Supplementary Code and further provides that those members desiring to do so may enter into an agreement whereby, when a violation of a provision of the code has been determined, the member of the Industry assenting to the agreement, shall make restitution in accordance with the penalty prescribed for the type of violation.

The amendment of Subsection (d), Section 3, Article V, provides that no lump sum prices shall be quoted or orders accepted unless

they are based exclusively on quantities and specifications previously reported to, and approved as correct by the Quantity Bureau.

The changes in Section 5, Article V, provides for the listing in detail the necessary temporary additions to the filed price lists.

The addition to Section 11, Article V provides for the responsibility on the part of the seller if he failed to carry out the contract precisely.

The amendment of Section 12, Article V, provides for the limitation of samples and where exceptions are made they should be subject to approval of the Supplementary Code Authority.

#### FINDINGS

The Deputy Administrator, in his final report to the National Industrial Recovery Board on said amendments of said Supplementary Code having found as herein set forth and on the basis of all the proceedings in this matter:

It has been found that:

(a) The amendments of said Supplementary Code and the Supplementary Code as modified are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of co-operative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Supplementary Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection 10 thereof.

(c) The amendments and the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendments and the Supplementary Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons these amendments have been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 30, 1934.

## AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE METALLIC WALL STRUCTURE INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

Article II, Section 7, last line, delete the words "National Steel Partition Association" and substitute the following, "National Metallic Wall Structure Association or its successors".

Delete the entire Article III and substitute the following language:  
"SECTION 1. This Industry is a division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry and without limitation the wage hour, and labor provisions in Article III of the Basic Code as approved by the President, November 2, 1933, and as thereafter amended, including Section 1 of said Article III, by which the provisions of subsections (1), (2), and (3) of Section 7 (a) of Title I of the Act are made conditions of this Code, are specifically incorporated herein and made a part hereof as the wage, hour, and labor provisions of this Supplementary Code."

Delete all of the present Section 1 of Article IV and substitute in lieu thereof the following:

"SEC. 1. The Supplementary Code Authority shall consist of seven (7) members who shall be elected in the following manner:

(a) Five (5) members elected by a majority vote of all members of the Industry who are members of the Association and present in person or by proxy, each member to have one vote.

(b) Two (2) members who are non-members of the Association (provided there are any such members), shall be elected by a majority vote of all members of the Industry who are non-members of the Association and present in person or by proxy, each member to have one vote.

(c) In addition thereto the Administrator may appoint one (1) member to the Supplementary Code Authority who without vote shall serve without expense to the Industry.

The Supplementary Code Authority shall cause a meeting of the members of the Industry to be held at the time and place of the annual meeting of the Association, upon twenty (20) days' advance notice of such meeting to all members of the Industry, whose names can be ascertained after diligent search. The members of the Supplementary Code Authority elected at such meeting shall serve until the next following annual meeting, and thereafter members of the Supplementary Code Authority shall be elected as hereinabove provided.



In the event the non-members of the Association fail to elect the two members as hereinabove provided, such two members shall be elected by a majority vote of all members of the Industry, and failing such election the Administrator may appoint such two members.

A vacancy in the membership of the Supplementary Code Authority shall be filled by a majority vote of all the remaining members of the Supplementary Code Authority, provided that the vacancy to be filled shall be subject to the aforementioned classification of membership.

In the event any of the elected members of the Supplementary Code Authority fail or refuse to act, and notice thereof shall be given to the Administrator, then subject to the disapproval of the Administrator, the remaining members of the Supplementary Code Authority shall constitute the Supplementary Code Authority until such member has resigned or been removed and the vacancy caused thereby has been filled.

Delete all of the present Section 4 of Article IV and substitute in lieu thereof the following:

“SECTION 4. Nothing contained in this Supplementary Code shall constitute the members of the Supplementary Code Authority partners for any purpose. Nor shall any member of the Supplementary Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Supplementary Code Authority. Nor shall any member of the Supplementary Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Supplementary Code, except for his own wilful malfeasance or non-feasance.”

Insert in the second line of Subsection (d) of Section 5 of Article IV, after the words “trade information”, the words “to operate impartial and confidential Quantity Bureaus in accordance with rules and regulations approved by the Administrator for the correct determination of customers’ requirements, such requirements to relate to quantities and kind only, and not to prices.”

Delete the entire present Subsection (e) of Section 5 of Article IV.

Insert a new Subsection (e) of Section 5 of Article IV, to read as follows:

“(e) Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment. Standards for safety and health shall be submitted by the Code Authority to the Administrator for approval within three months after the effective date of this Code provision. The standards approved shall thereafter be a part of this Code and enforceable as such.”

Delete present Subsection (f) of Section 5 of Article IV and substitute in lieu thereof the following:

1. It being found necessary in order to support the administration of this Supplementary Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Supplementary Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purpose of the Code;

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by all members of the Industry;

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all such members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Supplementary Code Authority as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Supplementary Code Authority or to receive the benefit of its voluntary activities, or to make use of any emblem or insignia of the National Recovery Administration.

3. The Supplementary Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Delete the entire Subsection (h) of Section 5 of Article IV and in lieu thereof insert the following:

“(h) To obtain from the members of the Industry through its confidential agent, such information and reports as are required for the administration of this Supplementary Code. In addition to information required to be submitted to the Supplementary Code Authority, the members of the Industry subject to this Supplementary Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Supplementary Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other members of the Industry or any other party except to such Government agencies as may be directed by the Administrator.”

Renumber the present Section 6 of Article IV as Section 7 and insert the following new Section 6:

SEC. 6. The members of the Industry shall report in the first instance to the Supplementary Code Authority or its appointees any complaints regarding an alleged violation of this Supplementary Code. Recognizing that the violation of any provision of this Supplementary Code by a member of the Industry will disrupt the normal course of fair competition in the Industry and cause serious damage to others, and that it will be impossible accurately to determine the amount of such damage, it is hereby provided that those members who may desire to do so may enter into an agreement among themselves, for a definite period and embodying the following provisions:

(a) Each member violating any provision of this Supplementary Code shall pay to the Treasurer of the Supplementary Code Authority, as an individual and not as Treasurer, in trust, as and for liquidated damages, upon determination of violation by the Administrator or any impartial agency or person named by the Supplementary Code Authority or designated by the assentors to this agreement and approved by the Administrator, amounts as set forth below:

(1) For the violation of any wage provision, an amount equal to the difference between the wages which have been paid and the wages which would have been paid if the member had complied with the applicable provisions of the Supplementary Code;

(2) For the violation of any hour provision, an amount equal to the wages payable for the overtime at the regular rate payable under the terms of the Supplementary Code, to the employee or employees who worked overtime.

(3) For the violation of any labor provision of the Supplementary Code other than an hour or wage provision, the sum of One Hundred (\$100.00) Dollars.

(4) For the violation of any provision of the Supplementary Code (other than a labor provision) involving a transaction incidental to or connected with a sale of any product of the Industry, an amount equal to twenty-five (25%) percent of the actual selling price of the product sold in violation of any such provision, or of the price at which the product should have been sold under the Supplementary Code, if determinable, whichever is the higher.

(5) For the violation of any provision of the Supplementary Code (other than a labor provision) not involving a transaction incidental to or connected with a sale of any product of the Industry, the sum of One Hundred (\$100.00) Dollars.

(b) All amounts so paid to or collected by the Treasurer of the Supplementary Code Authority under the provisions of this agreement, shall be applied by him as follows: First, if the violation shall have been of a labor provision of the Supplementary Code, equitable distribution of all damages paid therefor shall be made among all employees directly affected by such violation; Second, if the violation shall have been of a Supplementary Code provision other than a labor provision, the damages arising therefrom shall

be utilized to defray proper expenses of Supplementary Code administration, and the balance, if any, remaining in the hands of the Treasurer shall be distributed semi-annually among members of the Industry who have assented hereto and who have not been determined to have been guilty of a violation of a Supplementary Code provision during the preceding semi-annual period on the basis of the most recent assessment made against members of the Industry for the expense of Supplementary Code administration.

(c) Assent to this agreement by any member shall be evidenced by a signed copy of the agreement, filed with the Supplementary Code Authority. Failure to assent to this agreement shall not deprive any member of any other right or privilege under the Supplementary Code. By so assenting, each member agrees with every other assenting member and the Treasurer, individually (1) that violation of a Supplementary Code provision shall breach this agreement and shall render the violator liable for the payment of liquidated damages as herein provided, (2) all rights and causes of action arising hereunder are assigned to the Treasurer, individually and in trust, and (3) that the Treasurer, as such assignee and as attorney in fact for each assenting member, may take all proper legal action concerning damages found due hereunder.

(d) The Supplementary Code Authority may waive liability for payment of liquidated damages for any violation it finds to have been innocently made and resulting in no material injury.

(e) The Treasurer of the Supplementary Code Authority, as an individual and not as Treasurer, by accepting office, accepts the trust established by this agreement and agrees to perform the duties of Trustee hereunder until his successor in office may have been appointed.

(f) Nothing contained herein shall be construed or applied to (a) deprive any person of any right or right of action arising out of this Supplementary Code, or (b) relieve any member of the Industry from any contractual or legal obligation arising out of this Supplementary Code or of the Act or otherwise; nor shall violation of this agreement by an assenting member be deemed a violation of the Supplementary Code, so as to subject the violator to any consequence arising under Section 3 (b), Section 3 (c), or Section 3 (f) of the National Industrial Recovery Act, nor to any criminal prosecution of any kind.

Insert in the first line of Subsection (d) of Section 3 of Article V, after the words "shall sell" the words "or offer for sale", and add at the end of this Subsection (d), the following:

Lump sum prices shall not be quoted, nor shall lump sum orders be accepted, unless they be based exclusively on quantities and specification interpretations previously reported to, and approved as correct by, such Quantity Bureau as the Supplementary Code Authority may establish for any division of the Industry. All actions of said Quantity Bureau shall be under the control of the Supplementary Code Authority and subject to review and approval by the Administrator in case of controversy.

Remove period at end of Section 5 of Article V and add the following:

Instead of ten (10) days in advance as is otherwise required by Section 3 (b) of this Article, listing in detail the necessary temporary additions to price list and identifying the corresponding quantities and specifications when reporting same as required by Section 3 (d) of this Article.

Add to the present Section 11 of Article V, the following sentence:  
"The provisions of this Section shall not prevent the guaranteeing of workmanship or material."

In Section 12 of Article V, following the words "established prices or", delete the balance of the sentence and substitute the following language:

"except under circumstances to be defined by the Supplementary Code Authority and approved by the Administrator."

Approved Code No. S4A—Amendment No. 1.  
Registry No. 1123-08.



**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**MOP STICK INDUSTRY**

**As Approved on October 30, 1934**

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
MOP STICK INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Mop Stick Industry, and hearings having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said code complies in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act; and does hereby order that said amendments be and they are hereby approved; and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended; provided, however, that the provisions of Article VII, Section 1, Subsection (i); and Article VII, Section 1, Subsection (e) insofar as it prescribes a waiting period between the filing of price lists and the effective date thereof, be and they are hereby stayed pending the said Board's further Order; and further provided that price lists shall be filed with a confidential and disinterested agency of the Code Authority; such approval and such amendments to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the said Board before that time and the Board issues a subsequent Order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,

*Acting Division Administrator.*

WASHINGTON, D. C.,

*October 30, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: I have the honor to submit herewith amendments to the Code of Fair Competition for the Mop Stick Industry.

A public hearing on these amendments was held in Washington, D. C. on March 10, 1934 in accordance with the provisions of the National Industrial Recovery Act.

Nine proposed amendments were submitted by the Code Authority but during the course of the hearing and subsequent thereto, one additional amendment relating to those already proposed was presented for consideration, and one amendment as originally proposed was changed to conform to revised policy.

The proposed amendments in their final form are summarized herewith.

The first amendment defines the term "Employer" to correct an omission of this term in the code as originally submitted.

The second amendment clarifies and amplifies the provision relative to the posting of labor provisions of the Code.

The third amendment places upon the employer the responsibility of providing for the safety and health of employees and the establishment of standards therefor.

The fourth amendment removes the right of the National Industrial Recovery Board to "amend" any action of the Code Authority in Article VI, Section 2.

The fifth amendment provides that recommendations of the Code Authority upon approval by the said Board shall be made an integral part of the Code.

The sixth amendment clarifies the provisions relative to the sharing of expenses of administration.

The seventh amendment specifies the right of the said Board to suspend any action of the Code Authority pending investigation.

The eighth amendment revises the provisions relative to price cutting, uniform cost accounting, emergencies, and price filing.

The ninth amendment clarifies and amplifies the present provisions relative to price discrimination.

The tenth amendment clarifies and simplifies the provision relative to defamation of competitors.

### FINDINGS

The Deputy Administrator in his final report to us on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the



National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons, these amendments have been approved.

For the National Industrial Recovery Board:

C. A. LYNCH,  
*Administrative Officer.*

OCTOBER 30, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE MOP STICK INDUSTRY

Article II is amended by the addition of the following inserted between the second and third paragraph:

The term "employer" as used herein includes anyone by whom any such employee is compensated or employed.

ARTICLE V.—Section 7 is amended to read as follows:

Each employer shall post and maintain in conspicuous places accessible to employees full copies of the labor provisions of this Code. Every member of the Industry shall comply with all rules and regulations, relative to the posting of provisions of codes of fair competition which may from time to time be prescribed by the National Industrial Recovery Board.

ARTICLE V.—Section 8 is added to read as follows:

Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards of safety and health shall be submitted by the Code Authority to said Board within three months after the effective date of this amendment.

ARTICLE VI.—Section 2, Paragraph 1, is amended by deleting in its entirety the phrase "subject to the right of the Administrator on review to disapprove or modify any action taken by the Code Authority", and further Article VI, Section 2 is amended by striking out the words "or modify" where they occur as being unnecessary.

ARTICLE VI.—Section 2 (b) is amended to add the following:

Upon approval by the National Industrial Recovery Board, after such notice and hearing as it may prescribe, such recommendations shall become an integral part of this Code.

ARTICLE VI.—Section 2 (e) is amended by striking out the words "to be taken into consideration".

ARTICLE VI.—Section 4 is added to read as follows:

If the National Industrial Recovery Board shall determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the said Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Board approves or unless it shall fail to disapprove after 30 days notice to it of intention to proceed with such action in its original or modified form.

ARTICLE VIII.—Section 1 is amended to read as follows:

*Destructive Price Cutting.*—(a) *The Principle.*—(i) Destructive price cutting is an unfair method of competition and is forbidden at all times, irrespective of the existence of an emergency.

(ii) When no declared emergency exists as to any given product, there is to be no fixed minimum basis for prices but it is intended that sound cost estimating methods should be used.

(iii) When an emergency exists as to any given product, sale below the lowest reasonable cost of such product, in violation of subsection (c) hereof, is forbidden.

(b) *Uniform Cost Accounting.*—The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all members of the Industry and shall submit such system and methods to the National Industrial Recovery Board for review and approval. After such system and methods have been formulated and approved by the said Board, full details concerning them shall be made available to all members. Thereafter it is intended that all members should utilize the principles of such system or methods.

(c) *Emergency (Lowest Reasonable Cost).*—When an emergency exists, the Code Authority may cause an impartial agency to investigate costs and to determine the lowest reasonable cost of the product affected by the emergency. Such determination shall exclude all unallowable cost elements set forth in and shall be in all respects subject to such rules and regulations as may be issued by the said Board and subject to its approval or modification after such notice and opportunity to be heard as it may prescribe. Due notice of such determination shall be given to all members of the Industry. The Code Authority or the said Board may, from time to time, cause such determination to be reviewed or reconsidered and appropriate action taken.

(d) *Definitions.*—An “Emergency” exists whenever the National Industrial Recovery Board determines that destructive price cutting is rendering ineffective or seriously endangering the maintenance of the provisions of this Code.

(i) When no emergency exists, the term shall have the meaning declared in rules and regulations promulgated by the said Board on recommendation of the Code Authority or on its own motion;

(ii) When an emergency exists, the term shall mean any sale in violation of subsection (c) hereof;

(iii) It shall be an absolute defense to any charge of destructive price cutting, if an impartial agency, designated or approved by the Board, shall find:

(aa) That the price complained of is justified by existing competition, evidence of which has been reported to the Code Authority;

(bb) That the price complained of is justified as a method of disposal of dropped lines or seconds, or

(cc) When no declared emergency exists, that the member charged with destructive price cutting has in good faith endeavored to make proper use of the announced cost estimating methods.

(e) Each member of the Industry shall publish and file with the Code Authority a price list for all products of the Industry sold or offered for sale by him, together with discounts and transportation

allowances, if any, allowed therefrom, and fixed terms of payment, which price lists shall fully and accurately describe each product. Revised price lists, revised discounts, or terms and conditions of sale, may be filed and published from time to time thereafter by any member of the Industry; provided, however, that such revision be published and filed with the Code Authority ten days in advance of the effective date thereof. Copies of all price lists and revised price lists and discounts, with notice of the effective date specified, shall be sent immediately by registered mail to all known members of the Industry, who, thereupon, may file, if they so desire, revisions of their price lists and/or discounts, which may become effective upon date when the revised lists or discounts first filed, shall go into effect.

(f) No member of the Industry shall sell or offer for sale any product of the Industry at prices other than the prices noted in his price list or terms or conditions of sale other than the terms or conditions of sale previously published and filed by such member with the Code Authority in accordance with the foregoing provisions and in effect at the time of such sale.

ARTICLE VII.—Section 2 (a) is amended to read as follows:

Directly or indirectly to discriminate in prices to purchasers of the same class, provided that nothing herein shall prevent differences in prices to allow for differences in quality, quantity, and transportation costs.

ARTICLE VII.—Section 2 (d) is amended to read as follows:

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing or other false representations.

Approved Code No. 116—Amendment No. 2.  
Registry No. 328-02.

AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
ARTIFICIAL FLOWER AND FEATHER INDUSTRY

As Approved on October 31, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
ARTIFICIAL FLOWER AND FEATHER INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Artificial Flower and Feather Industry, and hearings having been duly held thereon and the annexed report on said amendment containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended; and does hereby

FURTHER ORDER that said amendment shall become effective as a part of the Code ten (10) days after the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

HARRY S. BERRY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 31, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Public Hearing on an amendment to the Code of Fair Competition for the Artificial Flower and Feather Industry approved September 7, 1933, as proposed by the Code Authority for this industry was conducted on Friday, September 21, 1934, at the offices of the National Recovery Administration, 45 Broadway, New York, N. Y.

Each person who requested an appearance was fairly heard in public in accordance with the regulations of the National Recovery Administration. Present were representative members of the Industry.

Article VI has been amended by adding thereto a new section to be known as Section 9, which provides that all invoices and copies thereof, covering products manufactured, or distributed, subject to the provisions of the Code, shall bear an NRA label.

The Acting Deputy Administrator in his final report to this Board on said amendment to said Code having found as herein set forth and on the basis of all proceedings in this matter:

It finds that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, this amendment has been approved.

For the National Industrial Recovery Board:

By G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 31, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE ARTIFICIAL FLOWER AND FEATHER INDUSTRY

Article VI is hereby amended by adding a new section to be known as:

Section 9. All invoices and copies thereof, covering products manufactured, or distributed, subject to provisions of this Code, shall bear an NRA label to symbolize to purchasers of said products the conditions under which they were manufactured or distributed. Each label shall bear a registration number, especially assigned to each member of the Industry by the Code Authority, and shall remain attached to such invoice or copies thereof. Any Member of the Industry may apply to the Code Authority for a permit to use such NRA label, but said member may use such label only if and so long as he complies with this Code. The Code Authority, subject to the approval by the National Industrial Recovery Board, shall establish rules and regulations and appropriate machinery for the issuance of labels, method of their attachment and the inspection, examination and supervision of the practices of members of the Industry using such labels in observing the provisions of this Code, for the continued use of labels; of insuring to each individual member that the symbolism of said label will be maintained by virtue of compliance with the practices herein contained by all other members.

It shall be optional with any member of this Industry to affix such NRA labels on containers, packages or boxes or individual units, if he so desires; this discretionary provision, however, shall not relieve any member from attaching the label to the invoice and copies thereof, as heretofore provided.

The charge made for such labels by the Code Authority shall at all times be subject to supervision and orders of the National Industrial Recovery Board and shall not be more than an amount necessary to cover actual cost thereof.

Approved Code No. 29—Amendment No. 2.  
Registry No. 1603-02.



Approved Code No. 64—Amendment No. 2

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

## DRESS MANUFACTURING INDUSTRY

As Approved on October 31, 1934

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### ORDER

#### APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE DRESS MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act approved, June 16, 1933, for approval of amendments to the Code of Fair Competition for the Dress Manufacturing Industry, and an opportunity to be heard having been duly afforded all members of the industry and the annexed report on said amendments containing findings with respect thereto having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859 dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act and does hereby order that said amendments be and they are hereby approved and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 31, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Code Authority for the Dress Manufacturing Industry submitted on July 26, 1934, two proposed amendments to the Code of Fair Competition for the Dress Manufacturing Industry.

As these amendments were short and simple and consistent with the policy of the Administration a Public Hearing was considered not necessary and in lieu of the Public Hearing a Notice of Opportunity to be Heard (Administrative Order No. 64-17) was printed and distributed in the same manner as a Notice of Public Hearing. The date of August 13, 1934, was set forth in this Notice of Opportunity to be Heard as a deadline on which to receive objections or criticisms to these amendments. Up to and including August 13, 1934, no objections or criticisms were received.

The first amendment amends Article VI of the Code, allowing the Code Authority and any of its agencies or divisions to incorporate under the laws of any state of the United States or the District of Columbia.

The second amendment amends Article IX of the Code and makes the bribery or attempted bribery of any employees of the Code Authority a violation of the Code.

In final form these amendments were approved by the Industrial Advisory Board, the Labor Advisory Board, the Consumers' Advisory Board, the Legal Division and the Research and Planning Division of the National Recovery Administration.

The Deputy Administrator in his final report to me on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The amendments to said code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10, thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendments on behalf of the industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons these amendments have been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 31, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE DRESS MANUFACTURING INDUSTRY

The Code of Fair Competition for the Dress Manufacturing Industry shall be amended by adding a section to Article VI, to be known as Section 3 and reading as follows:

“The Dress Code Authority and any local Industrial Adjustment Agency or any Sectional or Divisional Code Authority created under this Code may, upon submission to and approval by the Administrator of its proposed certificate of Incorporation and By-Laws, incorporate under the laws of any state of the United States or of the District of Columbia, such corporation to be known as the Dress Code Authority, Inc., or Industrial Adjustment Agency of the Dress Code Authority for the ----- Area, Inc., or other appropriate designation. The powers, objects, and purposes of the said corporation or corporations shall in all respects be limited to the powers, objects and purposes of this Code Authority and the Industrial Adjustment Agencies as provided in this Code and rules and regulations issued thereunder, and amendments thereto.”

The following section shall be added to Article IX, and shall be known as Section 17:

“No member of the Industry shall give, permit to be given, or offer to give to any employee or agent of the Code Authority anything of value for the purpose of influencing or rewarding the action of such employee or agent.”

Approved Code No. 64—Amendment No. 2.  
Registry No. 228-01.

Approved Code No. 322—Amendment No. 2

**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**EARTHENWARE MANUFACTURING INDUSTRY**

As Approved on October 31, 1934

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE**  
**EARTHENWARE MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Earthenware Manufacturing Industry, and as contained in a Published Notice of Opportunity to be Heard, Administrative Order No. 322-18, dated October 9, 1934 and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment, and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 31, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An Opportunity to be Heard on an Amendment to the Code of Fair Competition for the Earthenware Manufacturing Industry submitted by the Code Authority for that Industry, in accordance with the provisions of the National Industrial Recovery Act, has been afforded to all interested parties.

The amendment provides for a clarification of the definition of "Earthenware Manufacturing Industry" as contained in Article II, Section 2 of said Code.

The Deputy Administrator in his final report to us on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find:

(a) That the amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, we have approved this amendment.  
For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 31, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE EARTHENWARE MANUFACTURING INDUSTRY

Amend by deleting Article II, Section 2 and insert in lieu thereof, the following:

SECTION 2. The term "Earthenware Manufacturing Industry" or "Industry" as used herein, shall mean the manufacture of clay products made from natural clays without additions or from mixtures of refined clays with or without fluxes, glazed or unglazed, plain or embossed, decorated or undecorated, excluding dinner ware, refractories and sanitary ware, having value as—

A. *Stoneware*.—Clay containers for packing, storing, feeding or processing solids, liquids and ordinary chemicals, but excluding chemical porcelain and chemical stoneware equipment.

B. *Earthenware*.—

I. Art Pottery:

1. Pottery of decorative and artistic value, ornamental vessels and holders for containing or supporting articles of value or beauty;

2. Garden and monumental pottery, excluding structural terra cotta;

3. Decorative or utilitarian adjuncts and artistic table accessories to dinner service ware.

II. Kitchen and Cooking Crockery:

1. Utility earthenware produced from secondary buff or red-burning clays without fluxes, glazed or unglazed, plain or embossed, ornamented by underglaze stripes, bands, stamps, or hand-decorated.

2. Utility earthenware produced from natural clays with or without fluxes, glazed or unglazed, plain or embossed, ornamented by underglaze stripes, bands, stamps, or hand-decorated, excluding similar articles produced in vitreous and vitrified china and semi-vitreous and semi-vitrified china to match dinner ware in body, glaze and/or decorative treatment.

C. *Clay Flower Pots*.—Porous, unglazed pottery containers for growing and marketing plants.

Approved Code No. 322—Amendment No. 2.  
Registry No. 1016-03.





Approved Code No. 146—Amendment No. 1

**AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
EXCELSIOR AND EXCELSIOR PRODUCTS  
INDUSTRY**

As Approved on October 31, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
EXCELSIOR AND EXCELSIOR PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Excelsior and Excelsior Products Industry, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 31, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: On December 7, 1933 you approved the Code of Fair Competition for the Excelsior and Excelsior Products Industry.

This is a report on an amendment to that Code. A Notice of Opportunity to be Heard on this Amendment was published on August 28, 1934. The Amendment provides that each member of the Industry shall pay an equitable contribution to the expenses of the maintenance of the Code Authority, and further provides that only members complying with the Code and contributing to the expenses of its administration, unless duly exempted, shall be entitled to participate in the selection of the Code Authority or to receive the benefit of its voluntary activities.

The Deputy Administrator in his final report to us on said Amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restrictions of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Amendment and the Code as amended are not designed to, and will not, permit monopolies and monopolistic practices.

(d) The Amendment and the Code as amended are not designed to, and will not, eliminate, or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, we have approved this Amendment to the Code.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 31, 1934.

AMENDMENT TO THE CODE OF FAIR COMPETITION  
FOR THE EXCELSIOR AND EXCELSIOR PRODUCTS  
INDUSTRY

Modify Article VI by deleting Section 1 (f) and substituting in lieu thereof the following:

(f) It being found necessary, in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(A) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

(B) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

(C) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all such members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefit of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates, except those which the Administrator shall have so approved.

Approved Code No. 146—Amendment No. 1.  
Registry No. 310-02.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION

FOR THE

**FLEXIBLE METAL HOSE AND TUBING  
MANUFACTURING INDUSTRY**

As Approved on October 31, 1934

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ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPE-  
TITION FOR THE FLEXIBLE METAL HOSE AND TUBING MANUFACTURING  
INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND  
METAL FINISHING AND METAL COATING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of an amendment to the Supplementary Code of Fair Competition for the Flexible Metal Hose and Tubing Manufacturing Industry, and opportunity to be heard thereon having been duly noticed and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby amended, such approval and such amendment to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,

*Acting Division Administrator.*

WASHINGTON, D. C.,

*October 31, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the amendment of the Supplementary Code of Fair Competition for the Flexible Metal Hose and Tubing Manufacturing Industry, a Division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry to incorporate the principles contained in Executive Order No. 6678 of April 14, 1934, relating to the expenses of Code Administration. This amendment was proposed in accordance with Article X of the Supplementary Code as approved on May 24, 1934, and Notice of Opportunity to be Heard was given from September 26 to October 9, 1934.

### FINDINGS

The Deputy Administrator in his final report to us on said amendment to said Supplementary Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendment of said Supplementary Code and the Supplementary Code as amended is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Supplementary Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Supplementary Code empowers the Supplementary Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The Supplementary Code and the Supplementary Code as amended is not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Supplementary Code as amended is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to the approval of said amendment.

For these reasons, therefore, this amendment has been approved.  
For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 31, 1934.

## AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE FLEXIBLE METAL HOSE AND TUBING MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

Amend Section 7 as it appears in Article IV of the Supplementary Code as approved on May 24, 1934—

By expunging the present Section 7 and substituting the following:—

SECTION 7. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Supplementary Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Supplementary Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Supplementary Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(a) The Supplementary Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Amend Section 10 as it appears in Article IV of the Supplementary Code by the deletion of Subsections (f) and (g) thereof.

Re-letter Subsection (h) to read Subsection (f).

Approved Code No. 84G1—Amendment No. 1.  
Registry No. 1140-4.



**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**HANDKERCHIEF INDUSTRY**

As Approved on October 31, 1934

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
HANDKERCHIEF INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to the Code of Fair Competition for the Handkerchief Industry, and hearings having been duly held thereon and the annexed report on said amendments containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended; and

ORDERS, FURTHER, that there shall be created forthwith a Special Commission composed of three members, one of whom shall be nominated by the Labor Advisory Board of the National Recovery Administration, one by the Division Administrator of the Textiles Division of the National Recovery Administration, and one by the Code Authority for the Handkerchief Industry. Said Commission shall study and investigate the production of handkerchiefs by means of hand sewing and hand embellishment in the home, and shall submit to the National Industrial Recovery Board, within forty (40) days from the date hereof, a report containing findings with recommendations for minimum piece work and/or hourly rates for hand sewing and hand embellishment in the home, which recommendations, upon the approval of the National Industrial Recovery Board, shall become effective as part of this Code. Pending the report of said

Commission and the approval of any recommendations thereof by the National Industrial Recovery Board, the provisions of Section 8 (a) of Article IV, of said Code, as amended, shall be stayed, insofar as the provisions of said Section may apply to hand sewing and hand embellishment in the home.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 31, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act for certain amendments to the Code of Fair Competition for the Handkerchief Industry, and Hearings were conducted on said proposed amendments in Washington on April 18, 1934.

The original Code of Fair Competition for the Handkerchief Industry was approved October 9, 1933. The proposed amendments are the result of close observation of the Code in actual operation. Generally speaking, the amendments constitute no considerable modification of the provisions of the original Code; they seek merely to eliminate certain inequalities, to close up certain loopholes which have become apparent, to assist in enforcement, and to facilitate administration. Such additions to the original Code as are made herein involve, primarily, trade practice provisions, which, in practically every case, were referred to in the original Code as subjects upon which the Code Authority was to study and make recommendations. The primary object of this set of amendments is to consolidate the gains achieved by the original Code and to go a little further toward placing competition in this Industry on a sound and rational basis.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The National Industrial Recovery Board finds that:

(a) The amendments to said Code and said Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; and will provide for the general welfare by promoting the organization of Industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including but without limitations Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Handkerchief Industry Association, Inc. was and is an industrial association truly representative of the aforesaid Industry and that said association imposed and imposes no inequitable restrictions on admission to membership therein and has applied for and consents to this amendment.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For The National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 31, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE HANDKERCHIEF INDUSTRY

Article II, Section 1 is amended by deleting the present section and substituting therefor the following:

1. The term "Industry" as used herein means and includes the manufacture and/or production of handkerchiefs, in whole or in part, by hand or machine, including embellishing and/or finishing by hand or by machine, and the sale thereof within the confines of the Continental United States by any manufacturer, producer or importer or by any firm, corporation or any other form of enterprise totally or partly owned or directly or indirectly controlled by any manufacturer, producer or importer of handkerchiefs.

The term shall not include, however, the embellishing of handkerchiefs by Schiffli embroidery machines, so-called "handloom" machines and so-called "hand-embroidery" machines, nor shall it include the manufacture in whole or in part of handkerchiefs in Puerto Rico. The term "Industry" as used herein shall, however, mean and include the sale within the Continental United States of handkerchiefs manufactured in whole or in part in Puerto Rico or elsewhere outside the confines of the Continental United States.

Article II, Section 2 is amended by deleting the present section and substituting therefor the following:

2. The term "member of the industry" as used herein shall include:

(a) Handkerchief manufacturers who own or operate their plants and whose production is sold, in whole or in part, directly by them or through salesmen, agents, or representatives, to the wholesale or retail trades;

(b) Handkerchief manufacturers owning plants or operating plants exclusively on a contract basis for others, in whole or in part engaged in the production or finishing of handkerchiefs.

(c) Those who purchase materials and have same fabricated into handkerchiefs, plain or embellished, by contractors, agents, sub-agents, or individuals within the confines of the United States or its insular possessions or territories;

(d) Those engaged in wholesale distribution who further the manufacture of handkerchiefs by any of the following manufacturing processes, but without limitation: cutting, stitching, ironing, folding, pressing, tying, packaging, boxing, embellishing, or otherwise finishing.

(e) Those engaged in the Handkerchief Industry under more than one of the above classifications, or otherwise engaged exclusively or in part as employers or on their own behalf.

Add a new Section 9 to Article III:

9. No employee shall work or be permitted to work in any factory on any Saturday or Sunday except such employees for whom specific provision is made in this Section and in Sections 6 and 7 of this Article. However, for the sole purpose of dampening handkerchiefs in order that work may be ready for the ironing crew the following Monday morning, not more than four (4) employees in any one (1) plant shall be permitted to work on Saturday. No such employees shall be permitted to work in any case in excess of forty (40) hours in any one (1) week, including the hours that have been worked by such employee on the Saturday of said week. In any week in which a legal or religious holiday occurs the Code Authority may permit work to be done on a Saturday of such week.

Add a new Section 10 to Article III:

Except as herein provided no work shall be done in any factory except between the hours of 8 A. M. and 12 noon and between the hours of 1 P. M. and 5 P. M. In the event, however, that all or a majority of factories in any particular city or area request a change from the standard hours herein above set forth, the Code Authority, subject to the disapproval of the National Industrial Recovery Board, may modify the standard hours for such city or area. In no case shall the lunch period be less than one hour and in no case shall such standard hours exceed 8 hours per day.

Amend Article IV, Section 1 by deleting the present Section and substituting therefor the following:

1. Except as hereinafter provided, no employee in any section of the United States other than the Southern Section as defined in Section 5 of Article II. of this Code, shall be paid at less than the rate of thirteen (\$13.00) dollars per week of forty (40) hours nor shall any employee engaged in the Southern Section of the United States be paid at less than the rate of twelve (\$12.00) dollars per week of forty (40) hours.

No member of the industry shall make any deduction from the wages of any employee because of spoilage or because of the infraction of any rule where the effect of such deduction would be to reduce the net weekly wage of any such employee to less than the minimum wages provided herein.

Each member of the industry shall maintain accurate payroll records (including records of hours worked) and shall submit reports based thereon at four-weekly intervals to the Confidential Agency.

Amend Article IV, Section 3 by deleting the present section and substituting therefor the following:

3. Each member of the industry shall file with the Confidential Agency of the Code Authority duly certified schedules of rates of pay for piecework production for each type of standard operation in force in his plant (including homework, if any and where permissible), and shall advise said Agency of any change or alteration which may at any time be made in such schedules. Said Confidential Agency shall report to the Code Authority, under key numbers, all such schedules, in order that the Code Authority may be kept informed as to the observance or nonobservance of this Code. Unless

ordered by the National Industrial Recovery Board, said Confidential Agency shall in no case disclose the name of anyone to whom any key number may have reference.

Amend Article IV, Section 7 by deleting the present Section and substituting therefor the following:

7. A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by this Code, if the employer obtains from the State Authority designated by the United States Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such Authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such person. Each employer shall file monthly, with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

Amend Article IV, Section 8 by deleting the present Section and substituting therefor the following:

8. (a) Except as hereinafter provided, no member of the industry shall manufacture or finish or cause to be manufactured or finished any handkerchief by means of home labor, except that handkerchiefs made entirely by hand may be manufactured at home.<sup>1</sup>

(b) Anything to the contrary herein notwithstanding, a person may be permitted to engage in homework at the same rate of wages as is paid for the same type of work performed in the factory or other regular place of business if a home-worker's certificate is obtained from the State Authority or other officer designated by the United States Department of Labor, such certificate to be granted in accordance with instructions issued by the United States Department of Labor, *provided*

(1) Such person is physically incapacitated for work in a factory or other regular place of business and is free from any contagious disease; or

(2) Such person is unable to leave home because his or her services are absolutely essential for attendance on a person who is bedridden or an invalid and both such persons are free from any contagious disease, or because of the necessity of caring for minor children or dependents unable to leave home.

Any employer engaging such a person shall keep such certificate on file and shall file with the Code Authority the name and address of each worker so certified.

Delete Article IV, Section 9 in its entirety. (The present Article IV, Section 10 now becomes Article IV, Section 9.)

Amend Article V, Section 1 by deleting the present Section and substituting therefor the following:

1. No person under sixteen (16) years of age shall be employed in the Industry. In the event of a claim of alleged violation of this

<sup>1</sup> See paragraph 3 of order approving this Amendment.

section, an employer shall be deemed to have complied with the provisions of this section if he shall have on file and make available for inspection by the Confidential Agency a certificate of age issued by the duly authorized department of the State in which the employer operates, showing the age of the employee at the time of entering such employment to be no less than the age required by this section.

Amend Article VI, Section I by deleting the present Section and substituting therefor the following:

To further effectuate the purposes of the Act, a Code Authority is hereby constituted to cooperate with the National Industrial Recovery Board in the Administration of the Code. Said Code Authority shall consist of not more than thirteen (13) members to be elected in the manner hereinafter set forth:

(a) Nine (9) members and two (2) alternates shall be appointed by the Board of Directors of the Handkerchief Industry Association, Inc.

(b) One (1) member shall be appointed by the National Industrial Recovery Board on the nomination of the Labor Advisory Board of the National Recovery Administration.

(c) In addition to the foregoing, the National Industrial Recovery Board may appoint not more than three (3) members without vote to represent the National Industrial Recovery Board and/or such groups or interests as it may designate.

Amend Article VI, Section 4 by deleting the present Section and substituting therefor the following:

4. If the National Industrial Recovery Board shall at any time determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for investigation of the merits of each action and further consideration by the Code Authority or agency pending final action which shall not be effective unless the National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.

Amend Article VI, Section 5 by deleting the present Section and substituting therefor the following:

Subject to such rules and regulations as may be issued by the National Industrial Recovery Board, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of the Code.

(a) To incorporate itself, the Code Authority may incorporate under the laws of any State of the United States or of the District of Columbia, such corporation to be not for profit and to be known as "The Handkerchief Industry Code Authority"; provided that the powers, duties, objects and purposes of the said corporation, shall, to the satisfaction of the National Industrial Recovery Board, be limited to the powers, duties, objects and purposes of the Code Authority as provided in the Code; provided further, that the Code Authority shall submit to the National Industrial Recovery Board, for its approval, its proposed Certificate of Incorporation and proposed by-laws, and no amendment of either shall be made without



the like prior approval of the National Industrial Recovery Board. If at any time, the National Industrial Recovery Board shall determine that the corporate status accrued by the Code Authority is interfering with the proper exercise of its powers and duties under this Code, or with the effectuation of the policies or purposes of the Act, it may, after such notice and hearing as it may deem necessary, require an appropriate modification of the structure of the Corporation (if consistent with the law of the State of Incorporation), the substitution of a corporation created under the laws of another State in the same manner as the existing Code Authority, the substitution of a non-corporate Code Authority truly representative of the Industry or such other actions as it may deem expedient.

(b) To elect officers and to assign to them such duties as it may consider advisable, to set up rules for its own procedure, and to provide for its continuance as the administrative agency of this Code in accordance with the terms of the Act and the principles herein set forth.

(c) To adopt by-laws, and rules and regulations for its procedure and for the administration and enforcement of this Code, and to submit the same to the National Industrial Recovery Board for its approval, together with true copies of any amendments or additions when made thereto, and minutes of meetings when held, and such other information as to its activities as the National Industrial Recovery Board may deem necessary to effectuate the purposes of the Act.

(d) To insure the execution of the provisions of this Code and to provide for the Compliance of the Industry with the provisions of the Act.

(e) To select a Confidential Agency. The Agency shall in no way be engaged in the industry or connected with any member thereof. The Code Authority shall furnish said Agency with such credentials as are necessary to facilitate its operations.

The Confidential Agency shall obtain from all members of the Industry reports of such character and in such form as is permitted under this Code and under the Act. All individual reports shall be held as secret and confidential between the Agency and the reporting members, except as hereinafter provided.

Each member of the industry shall maintain accurate and complete records of its transactions wherever such records may be required under any of the provisions of this Code, and shall furnish accurate reports based upon such records concerning any of such activities when required by the Code Authority or the National Industrial Recovery Board. If the Code Authority or the National Industrial Recovery Board shall determine that substantial doubt exists as to the accuracy of any such report, so much of the pertinent books, records, and papers of such member as may be required for the verification of such report may be examined by an impartial agency agreed upon between the Code Authority and such member, or, in the absence of agreement, appointed by the National Industrial Recovery Board. In no case shall the facts disclosed by such examination be made available in identifiable form to any competitor, whether on the Code Authority or otherwise, or be given any other publication, except such as may be required for the proper administration and enforcement of the provisions of this Code.

In addition to information required to be submitted to the Code Authority, members of the industry shall furnish such statistical information as the National Industrial Recovery Board may deem necessary for the purposes recited in Section 3-A of the Act, to such Federal and State Agencies as it may designate; provided that nothing in this Code shall relieve any member of the industry of any obligations to furnish reports to any government agency.

(f) To secure from the Confidential Agency consolidated reports in respect to all matters pertinent to this Code.

(g) To submit reports either directly to the National Industrial Recovery Board, (or through the Confidential Agency to it, if the reports be of a secret or confidential nature), in such form and at such time as it may require, in order that the President may be kept informed with respect to the observance or non-observance of the Code and of the Act.

(h) To direct the Confidential Agency to make surveys and investigations, compile reports, collect statistics in such manner and under such regulations as the Code Authority may prescribe, subject to disapproval of the National Industrial Recovery Board.

(i) To create, subject to the approval of the National Industrial Recovery Board, a Trade Practice Complaints Committee which shall investigate all alleged violations of this Code other than alleged labor violations, and act upon the results thereof, and, if the findings justify, to transmit said findings to the National Industrial Recovery Board and to any other proper Governmental agency.

(j) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(k) To make recommendations to the National Industrial Recovery Board for the coordination of the administration of this Code with such other codes, if any, as may be related to or affect members of the industry, or any subdivision thereof.

(l) It being found necessary, in order to support the administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Code Authority is authorized: (1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code; (2) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary, (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry; and (3) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all such members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided (unless duly exempted from making such contributions), shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities, or to make use of any emblem or insignia of the National Recovery Administration.

The Code Authority shall neither incur nor pay any obligations substantially in excess of the amount thereof as estimated in its approved budget and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates, except those which the National Industrial Recovery Board shall have so approved.

(m) To cause to be formulated methods of cost finding and accounting capable of use by all members of the industry, and to submit such methods to the National Industrial Recovery Board for review. If approved by the National Industrial Recovery Board, full information concerning such methods shall be made available to all members of the industry. Thereafter, each member of the industry shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Code Authority, any agent thereof, or any member of the industry to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

(n) To make complaint to the President on behalf of the Industry, in accordance with the provisions of Section 3 (e) of the Act, whenever any article is being imported into the United States in substantial quantities or increasing ratio to domestic production of any competitive article or articles and on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of this Code, and for the purpose of making such complaint, to secure from all members of the industry, through the Confidential Agency, all information necessary to support such complaint.

(o) To establish or designate, subject to the approval of the National Industrial Recovery Board, such agencies on planning and fair practice as may be necessary, which agencies shall cooperate with the Code Authority in developing fair trade practices and industrial planning, including the regularization and stabilization of employment for the industry.

(p) To appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other codes as may be related to the industry for the purpose of formulating fair trade practices to govern the relationships between employers under this Code and employers under such other Codes to the end that such fair trade practices may be proposed to the National Industrial Recovery Board as amendments to this Code

and to such other codes, and to issue such further rules and regulations as may be necessary to establish such further fair trade practices, as may be approved by the National Industrial Recovery Board.

(q) To initiate, consider, and make recommendations for the modification or amendment of this Code, which modifications or amendments shall become effective as part hereof upon approval by the National Industrial Recovery Board after such notice as it may specify.

(r) To provide appropriate facilities for arbitration, and, subject to the approval of the National Industrial Recovery Board, to prescribe rules of procedure and rules to effect compliance with awards and determinations.

(s) In order to assist in making effective the reports from the industry and in eliminating unfair competition, the Code Authority may appoint a committee so constituted as to give consumer and governmental representation satisfactory to the National Industrial Recovery Board to make a study with a view to the establishment of classifications and standards of quality and size of staple products of the industry wherever such standards are deemed feasible. The findings and recommendations of this committee shall be submitted to the National Industrial Recovery Board, and after such hearings and investigations as it may designate and upon approval by it shall be made a part of this Code and shall be binding upon every member of the industry.

Amend Article VI, Section 6 by deleting the present Section and substituting therefor the following:

6. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority be liable to anyone for any act or omission to act under this Code, except for his own willful malfeasance or non-feasance.

Amend Article VI by adding a new Section 7 as follows:

7. There shall be established an Industrial Relations Committee for the Industry, which shall consist of an equal number of representatives of employers and employees and an impartial chairman. The National Industrial Recovery Board shall appoint such impartial chairman upon the failure of the committee to select one by agreement. If no truly representative labor organization exists, the employee members of such board may be nominated by the Labor Advisory Board of the N. R. A. and appointed by the National Industrial Recovery Board. The employer representatives shall be chosen by the Code Authority. Such committee shall deal with complaints relating to labor in accordance with rules and regulations issued by the National Industrial Recovery Board. The Industrial Relations Committee may establish such divisional, regional, and local industrial adjustment agencies as it may deem desirable, each of which shall be constituted in like manner as the Industrial Relations Committee.

Delete Article VII In Its Entirety. (The Present Article VIII Now Becomes Article VII and the Present Article IX Becomes Article VIII.)

Amend Article VII, Section 1 By Deleting the Present Section and Substituting Therefor the Following:

1. No member of the Industry shall directly or indirectly give, permit to be given, or offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent, or the represented party, without the knowledge of such employer, principal, or party. This provision shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as hereinabove defined.

Amend Article VII, Section 2 By Deleting the Present Section and Substituting Therefor the Following:

2. No member of the industry shall make or allow to be made any payments or allowance of rebates, refunds, commissions, credits, or unearned discounts, whether in the form of money or otherwise, or extend to certain purchasers any special services or privileges not extended to all purchasers on like terms and conditions. No member of the Industry shall allow buying commissions, rebates, extra discounts, or other concessions to purchasing agents or to purchasing agencies.

Amend Article VII, Section 4 By Deleting The Present Section and Substituting Therefor The Following:

4. No stock protection shall be given involving price adjustment on merchandise delivered and no price guaranty shall be given against decline on orders booked for future delivery.

Amend Article VII, Section 5 By Deleting The Present Section and Substituting Therefor The Following:

5. No member of the Industry shall accept the return of merchandise sold to a customer in good faith and shipped in accordance with specifications, order, or contract. In no event shall any merchandise be accepted for return, if retained by a customer for more than ten (10) days after receipt of the merchandise, unless the said merchandise is returned because of hidden defects effecting the salability of the merchandise.

Amend Article VII By Adding A New Section 21, As Follows:

21. No member of the Industry shall deviate from the price fixed by a contract. All Contracts and/or orders shall be binding in accordance with the provisions thereof.

Amend Article VII By Adding A New Section 22, As Follows:

22. No member of the Industry shall accept the attempted cancellation of a contract, where the effect of such cancellation would be to circumvent any provision of this Code.

Amend Article VII By Adding A New Section 23, As Follows:

23. No member of the Industry shall ship merchandise on consignment or memorandum.

Amend Article VII By Adding A New Section 24, As Follows:

24. No member of the Industry shall procure or attempt to procure, any information concerning the business of another member which is properly regarded by such member as a trade secret or confidential within its organization (except on consent of such member).

Amend Article VII By Adding A New Section 25, As follows:

25. No member of the Industry shall pack handkerchiefs not of first quality in sealed cartons or envelopes or in any other sealed containers so that the whole or part of the handkerchief is not easily accessible for examination unless said individual containers are clearly marked "seconds" or otherwise appropriately designated as containing merchandise other than "firsts".

Amend Article VII, By Adding A New Section 26, As Follows:

26. (a) When the basic fabric from which a handkerchief is manufactured, embodies in either the warp or the filling, or both, more than one kind of yarn, no matter from what fibre or filaments the yarn may be spun, the handkerchief manufactured from such fabric shall not be labelled or by any form of phraseology be designated or referred to by the name of any one only of the component fibres or filaments, unless such component constitutes by thread count 80% of the fabric, and provided further, that unless the fabric is genuinely 100% of any fibre or filament designation (linen, cotton, silk, rayon, etc.) exclusive of regular selvage, except as hereinafter provided for fancy woven materials, the actual percentage by thread count of any component of at least 60% and which is less than 100%, shall be prominently indicated on any label or ticket identifying the handkerchiefs manufactured from such fabric.

In the case of fancy woven materials, in which the warp and the filling of the plain weave are made from yarns of the same fibre, whether the fancy elements are plain corded or fancy borders, or all-over effects, such as checks or plaids, and are made of yarns of other fibres or filaments, only the true fabric name of the plain weave may be designated, if only one fibre element is specified on the label.

The above prohibitions shall not apply to merchandise delivered on or before December 31st, 1934, provided that Sections 18 and 19 of this Article are not violated.

(b) The elements used for appliques, embroidered embellishments, lace corners, lace edges, or any material attached in any way to complete the handkerchiefs, shall not be considered as affecting the true designation of the basic materials as herein specified.

(c) No member of the Industry shall use labels, the wording of which emphasizes in any manner a minor element in the manufacture, construction or finish of the handkerchief fabric, or in the processing or embellishment of the handkerchief itself, which descriptive wording may have a tendency to induce a purchaser to believe that the said wording applies to the handkerchief as a whole or to the basic fabric referred to in paragraph marked "a" of this Section.

(d) No member of the Industry shall so label handkerchiefs, specially or otherwise, at the request of any purchaser or purchasing agency as to in any way conflict with the provisions of this Section.

Amend Article VII By Adding A New Section 27. As Follows:

27. No member of the Industry shall, in sampling fancy white satin strips or prints, or white cords, or colored cords, or colored woven borders, insert samples in sample folders so as to conceal from the prospective customers the fact that one side of the handkerchief is raw selvage, unstitched, unless a conspicuous label or marking of some kind is placed on the handkerchief indicating that only three sides of the handkerchief are hemmed.

Amend Article VII By Adding A New Section 28, as Follows:

28. The Code Authority shall create, subject to the approval of the National Industrial Recovery Board, appropriate regulations and facilities for the registration of new or original styles, designs or patterns of handkerchiefs. Upon the creation of such regulations and facilities and upon the approval thereof by the National Industrial Recovery Board, no member of the Industry other than the registering member shall manufacture or cause to be manufactured any handkerchiefs incorporating any such new or original styles, designs, or patterns as may be registered as hereinabove provided, except upon the written consent of the registering member.

Amend Article VIII, Section 1 By Deleting The Present Sections and Substituting Therefor The Following:

Maximum terms of sale for this Industry shall be—

1. Net cash ten (10) days; or with an equalizing differential in the price, two per cent (2%) ten (10) days—sixty (60) extra; or two and one-half per cent (2½%) ten (10) days—thirty (30) extra; or three per cent (3%) ten (10) days; or C. O. D. three per cent (3%).

The cash discounts as outlined in this Section shall be interpreted as maximum discounts allowed under this Article. Members of the Industry shall be permitted to sell at terms other than those specifically stated in this Article, provided, however, that such terms shall not be more advantageous or more liberal than those terms specified in this Article, and further, that such dating shall not in any case exceed seventy (70) days from date of billing of merchandise to the buyer, and further, that in no case shall the cash discount be in excess of three per cent (3%).

Amend Article VIII, Section 5 By Deleting The Present Section and Substituting Therefor The Following:

5. No member of the Industry shall allow discount if bill is not paid within fifteen (15) days of due date at the office at which the account is due and payable.

Amend Article VIII, Section 9 By Adding To The Present Section The Following:

9. The term "packaged, trade-marked handkerchiefs" as used herein, shall mean and include one (1), two (2), or three (3) handkerchiefs completely encased in a carton or sealed envelope wrap, which carton or wrap bears thereon the trade-mark of the member of the Industry and a suggested retail price.

Amend Article VIII By Adding A New Section 10, As Follows:

10. No member of the Industry shall give any discounts except as provided in this Article whether in the nature of trade discounts or increased cash discounts and whether arrived at by increasing the gross selling price or in any other manner.

Amend Article VIII By Adding A New Section 11, As Follows:

11. The seller shall designate the terms of payment under which his merchandise shall be sold in accordance with Section 1 of this Article.

Amend Article VIII By Adding A New Section 12, As Follows:

12. A member of the Industry may bill merchandise shipped on or after the 25th of the month as of the first of the following month.

Amend Article IX, By Substituting the Present Article IX for the Former Article VIII and Substituting as the Present Article IX, The Following Sections:

#### ARTICLE IX—NRA LABELS

1. Hereafter, the Code Authority may apply to the National Industrial Recovery Board for grant of the necessary authority and exclusive right to issue and sell NRA labels, or authorized substitutes therefor, to members of the Industry; and, upon the issuance of appropriate orders by the National Industrial Recovery Board, under powers vested in it by Executive Orders of the President, including Executive Order No. 6859 and otherwise, the Code Authority shall have the exclusive right in this Industry to issue and sell said labels or said authorized substitutes to the members of said Industry; and thereafter all merchandise manufactured subject to the provisions of this Code shall bear on the carton containing such merchandise, or in such other place as the Code Authority, subject to review by the National Industrial Recovery Board, may designate, an NRA label, or an authorized substitute therefor, to symbolize to purchasers of said merchandise the conditions under which it has been manufactured.

2. The issuance and sale of said labels, and/or of said authorized substitutes, shall be governed by the following rules and regulations, and such other rules and regulations as may hereafter be issued or approved by the National Industrial Recovery Board:

(a) Each label shall bear a registration number or numbers especially assigned to each member of the industry by the Code Authority, or a serial number, and shall remain attached to all such merchandise when sold to the retail distributor.

(b) Any and all members of the Industry may apply to the Code Authority for a permit to use such NRA label, which permit shall be granted to them only if and so long as they comply with this Code.

(c) For the purpose of ascertaining the right of members of the Industry to the continued use of labels and of protecting purchasers of merchandise bearing such labels and of insuring to each individual member of the Industry that the symbolism of such label will be maintained by virtue of compliance with the provisions of this Code by all members of the Industry using said label, the Code Authority



shall establish rules and regulations and appropriate machinery for the issuance of labels and the inspection, examination and supervision of the practices of members of the Industry.

(d) The charge made for such labels by the Code Authority shall be subject to the approval of the National Industrial Recovery Board.

(e) The application of the provisions of this Article and the rules and regulations governing the issuance and use of said labels shall at all times be subject to rules and regulations issued by the National Industrial Recovery Board.

Amend Article X, Section 10, Deleting the Present Section 10 and Substituting Therefor the Following:

All members of the Industry shall post and keep posted in a conspicuous place accessible to employees complete copies of this Code. In addition to the foregoing complete copies of all labor provisions of this Code together with any necessary interpretations shall be placed in a conspicuous place on each factory floor and in all places of business other than the factory where three or more persons are employed. Such posted copies of the labor provisions of this Code and of the said interpretations shall be in English and/or in any other necessary language or languages.

Amend Article X By Adding A New Section 12, As Follows:

Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards of safety and health shall be submitted by the Code Authority to the National Industrial Recovery Board within three (3) months after the effective date of this amendment.

Approved Code No. 53—Amendment No. 2.  
Registry No. 237-1-01.



AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
TEXTILE PROCESSING INDUSTRY

As Approved on October 31, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
TEXTILE PROCESSING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Textile Processing Industry, and an opportunity to file objections thereon having been given and the annexed report on said amendments, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders by the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said title of said act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

HARRY S. BERRY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 31, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the results of the Notice of an Opportunity to File Objections to the amendments to the Code of Fair Competition for the Textile Processing Industry, which was issued September 10, 1934, with the provision that objections against the Proposed Amendments could be filed any time prior to September 25, 1934. The amendments, which are attached, were presented by the duly qualified and authorized representatives of the Industry, complying with statutory requirements.

In accordance with customary procedure, all complaints received were given careful consideration and all statutory and regulatory requirements were complied with.

### PROVISIONS OF THE AMENDMENTS

There are two amendments as follows:

1. The addition of a new section, number 14 to Article I defines the term "any twelve months."

2. The amendment of Article III, Section 1 (e) provides that each member of the Industry shall keep accurate and complete records of such of his or its transactions in the Industry as may be necessary to enable the Code Authority or the National Industrial Recovery Board to observe and determine whether or not such member is complying with the provisions of the Code. It is also provided that the Code Authority or the National Industrial Recovery Board may cause the examination of such books and records as may be required, this examination to be made by an impartial agency.

### FINDINGS

The Deputy Administrator in his final report to us on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restric-

tion of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving the standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendments on behalf of the Industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons these amendments have been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 31, 1934

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE TEXTILE PROCESSING INDUSTRY

Article I is hereby amended by the addition of a new section, to read as follows:

14. The term "any twelve months" as used hereinafter means a period of fifty-two (52) weeks, beginning with the first Monday in February of each year, and each subsequent fifty-two (52) week period following thereafter: it is understood that the fifty-two (52) week period for the year 1934 dates from February 5, 1934.

Article III Section I subsection (e) is hereby amended to read as follows:

(e) Each member of the industry shall keep accurate and complete records of such of his or its transactions in the industry as may be necessary to enable the Code Authority or the National Industrial Recovery Board to observe and determine whether or not such member is complying with the provisions of this Code, and shall furnish accurate reports based upon such records concerning any such activities to and when required by the Code Authority or the National Industrial Recovery Board. The Code Authority or the National Industrial Recovery Board may cause the examination of such books, records and/or papers of any member of the Industry as may be pertinent to such reports for the verification thereof by an impartial agency, agreed upon by the Code Authority and such member, or in the absence of agreement, appointed by the National Industrial Recovery Board. In no case shall the facts disclosed by such examination be made available in identifiable form to any competitor or other member of the Industry whether on the Code Authority or otherwise, or be given any publication, except such as may be required for the proper administration or enforcement of the provisions of this Code.

Approved Code No. 235—Amendment No. 5.  
Registry No. 299-1-13.

**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION**

FOR THE

**WIRE ROPE AND STRAND MANUFACTURING  
INDUSTRY**

As Approved on October 31, 1934

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**ORDER**

**APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE WIRE ROPE AND STRAND MANUFACTURING INDUSTRY**

**A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of an amendment to the Supplementary Code of Fair Competition for the Wire Rope and Strand Manufacturing Industry, and opportunity to be heard thereon having been duly noticed and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby amended, such approval and such amendment to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 31, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the amendment of the Supplementary Code of Fair Competition for the Wire Rope and Strand Manufacturing Industry, a Division of the Fabricated Metal Products Manufacturing and Metal Finishing and Metal Coating Industry to incorporate the principles contained in Executive Order No. 6678 of April 14, 1934, relating to the expenses of Code Administration. This amendment was proposed in accordance with Article IX of the Supplementary Code as approved May 24, 1934, and notice of opportunity to be heard was given from September 25 to October 9, 1934.

### FINDINGS

The Deputy Administrator in his final report to us on said amendment to said Supplementary Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendment to said Supplementary Code and the Supplementary Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Supplementary Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof.

(c) The Supplementary Code and the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Supplementary Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.



(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to the approval of said amendment.

For these reasons, therefore, this amendment has been approved.  
For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 31, 1934.

# AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE WIRE ROPE AND STRAND MANUFACTURING INDUSTRY

A DIVISION OF FABRICATED METAL PRODUCTS MANUFACTURING AND METAL  
FINISHING AND METAL COATING INDUSTRY

Amend Article IV by deleting Section 4 and substituting in lieu thereof the following:

1. It being found necessary in order to support the administration of this Supplementary Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Supplementary Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purpose of the Supplementary Code;

(b) To submit to the National Industrial Recovery Board for approval, subject to such notice and opportunity to be heard as may be deemed necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Supplementary Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Supplementary Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Supplementary Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Supplementary Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Amend Article IV, Section 7 by deleting Subsections E and F and renumbering Subsection G to read Subsection E.

Approved Code No. 84-II-1—Amendment No. 1.  
Registry No. 1151-03.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION

FOR THE

CAN LABELING AND CAN CASING MACHINERY  
INDUSTRY AND TRADE

As Approved on November 1, 1934

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ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CAN LABELING AND CAN CASING MACHINERY INDUSTRY AND TRADE

A DIVISION OF THE PACKAGING MACHINERY INDUSTRY AND TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Supplementary Code of Fair Competition for the Can Labeling and Can Casing Machinery Industry and Trade, and notice of opportunity to be heard having been given and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859 dated September 27, 1934, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Supplementary Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby amended to include an approval of said Supplementary Code in its entirety as amended, such approval and such amendment to take effect ten days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*November 1, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an Amendment of the Supplementary Code of Fair Competition for the Can Labeling and Can Casing Machinery Industry and Trade, a Division of the Packaging Machinery Industry and Trade, in accordance with Executive Order No. 6678 of April 14, 1934, relating to expense of Code Administration.

This Amendment is designed to replace Section 3, Article IV, of the Supplementary Code, approved May 5, 1934. Notice of Opportunity to be Heard was given from July 14, 1934, to July 28, 1934; no objections were filed.

### FINDINGS

The Deputy Administrator in his final report on said Amendment, having found as herein set forth, and on the basis of all the proceedings in this matter:

The National Industrial Recovery Board finds that:

(a) The Amendment of said Supplementary Code and the Supplementary Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Supplementary Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) Article X of the Supplementary Code empowers the Sub-Code Authority, upon approval by the Code Authority, to present Amendments on behalf of the Industry and Trade.

(d) The Amendment and the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Supplementary Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, the Amendment has been approved by this Board.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

NOVEMBER 1, 1934.

# AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CAN LABELING AND CAN CASING MACHINERY INDUSTRY AND TRADE

A DIVISION OF THE PACKAGING MACHINERY INDUSTRY AND TRADE

## PURPOSE

Pursuant to Article X of the Supplementary Code of Fair Competition for the Can Labeling and Can Casing Machinery Industry and Trade, duly approved by the President on May 5, 1934, and further to effectuate the policies of Title I of the National Industrial Recovery Act, the following amendment is established as a part of said Supplementary Code of Fair Competition and shall be binding upon every member of the Can Labeling and Can Casing Machinery Industry and Trade.

## AMENDMENT

Delete Article IV, Section 3, and in lieu thereof substitute the following:

3. *Assessments.*—(a) It being found necessary in order to support the administration of this Supplementary Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Sub-Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplementary Code;

(2) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry and trade;

(3) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the industry and trade, and to that end, if necessary, to institute legal proceedings therefore in its own name.

(b) Each member of the industry and trade shall pay his or its equitable contribution to the expenses of the maintenance of the Sub-Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the industry and trade complying with the Supplementary Code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contributions), shall be

entitled to participate in the selection of members of the Sub-Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Sub-Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 72A—Amendment No. 1.  
Registry No. 1399-30A.





Approved Code No. 277—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

GRAY IRON FOUNDRY INDUSTRY

As Approved on November 1, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE GRAY  
IRON FOUNDRY INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Gray Iron Foundry Industry, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said title of said act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator*.

WASHINGTON, D. C.,  
*November 1, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Gray Iron Foundry Industry, the Code having been approved by your Order of February 10, 1934.

Notice of Opportunity to be Heard on this amendment was duly posted to all interested parties providing an opportunity to file objections, and one objection was received which was given due consideration.

The Code is amended to incorporate the model Price Filing Provision and the Destructive Price Cutting Provision.

### FINDINGS

The Assistant Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the afore-said amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

Therefore, for these reasons, this amendment has been approved.  
For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

NOVEMBER 1, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE GRAY IRON FOUNDRY INDUSTRY

Amend Article VI, Section 1 by adding thereto the following Sub-Section (9) :

(9) If 75% of the members and of the tonnage of members of any agency or any territorial subdivision or product classification, hereafter referred to as "Group", formed in accordance with the provisions of Section 2 of Article III so desires, each member of the Industry manufacturing products falling within such subdivision or classification shall, within ten (10) days after notice of such determination, file with the agency prices and all other terms and conditions of sale with respect to such products in accordance with the following section :

(a) Each member of the group shall file with a confidential and disinterested agent of the Code Authority identified lists of all of his prices, discounts, rebates, allowances and all other terms or conditions of sale, hereinafter in this article referred to as "price terms", which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all such standard products of the group as are sold or offered for sale by said member and for such non-standard products of said member as shall be designated by the Code Authority. Said price terms shall in the first instance be filed within thirty (30) days after the date of approval of this provision. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the group, and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the Code Authority in the preparation and distribution thereof and be available for inspection by any of their customers at the office of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members of the group and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid thirty (30) day period after the approval of this provision. The Code Authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the Administrator. Upon request the Code Authority shall furnish to the Administrator or any duly designated agent of the Administrator copies of any such lists or revisions of price terms.

(b) When any member of the group has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

(c) No member of the group shall sell or offer to sell any products and/or services of the group for which price terms have been filed pursuant to the provisions of this Article, except in accordance with such price terms.

(d) No member of the Industry shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the Industry to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this Article to create.

Amend Article VI by adding thereto the following Sections 2 and 3.

SECTION 2. The standards of fair competition for the industry with reference to pricing practices are declared to be as follows:

(a) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the industry or of any other industry or the customers of either may at any time complain to the Code Authority that any filed price constitutes unfair competition as destructive price cutting, imperiling small enterprise or tending toward monopoly or the impairment of code wages and working conditions. The Code Authority shall within 5 days afford an opportunity to the member filing the price to answer such complaint and shall within 14 days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of NRA which shall render a report and recommendation thereon to the National Industrial Recovery Board.

(b) When no declared emergency exists as to any given product, there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.

(c) When an emergency exists as to any given product, sale below the stated minimum price of such product, in violation of Section 3 hereof, is forbidden.

SECTION 3. *Emergency Provisions.*—(a) If the National Industrial Recovery Board, after investigation shall at any time find both (1) that an emergency has arisen within the industry adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product within the industry for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Code Authority may cause an impartial agency to investigate costs and to recommend to the National Industrial Recovery Board a determination of the stated minimum price of the product affected by the emergency and thereupon the National Industrial Recovery Board may proceed to determine such stated minimum price.

(b) When the National Industrial Recovery Board shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, it shall publish such price.

Thereafter, during such stated period, no member of the industry shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Code Authority may recommend review or reconsideration or the National Industrial Recovery Board may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

Approved Code No. 277—Amendment No. 2.  
Registry No. 1111-04.

Approved Code No. 84H—Amendment No. 1

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION

FOR THE

HACK SAW BLADE MANUFACTURING INDUSTRY

As Approved on November 1, 1934

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ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPE-  
TITION FOR THE HACK SAW BLADE MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND  
METAL FINISHING AND METAL COATING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Supplementary Code of Fair Competition for the Hack Saw Blade Manufacturing Industry, and a Notice of Opportunity to be Heard having been duly given thereon, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Supplementary Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby modified to include an approval of said Supplementary Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*November 1, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an amendment of Article III of the Supplementary Code of Fair Competition for the Hack Saw Blade Manufacturing Industry by the Supplementary Code Authority for that Industry.

The Supplementary Code of Fair Competition for the Hack Saw Blade Manufacturing Industry was approved on March 17, 1934. Article III, Paragraph 7 (f), provides that the Supplementary Code Authority shall secure from the members of the industry an equitable and proportionate payment of the reasonable expenses of maintaining the Supplementary Code Authority and its activities.

The above in effect provides for voluntary contributions on the part of the members of the Industry. This method of providing funds for the proper administration of the Supplementary Code has been found to be unsatisfactory. The amendment has, therefore, been proposed to create a legal obligation, on the part of the Industry Members, to pay their pro rata share of the expenses of the Supplementary Code Authority.

### FINDINGS

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment of said Supplementary Code having found as herein set forth and on the basis of all proceeding in this matter:

It has been found that:

(a) The amendment of said Supplementary Code and the Supplementary Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of co-operative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Supplementary Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including



without limitation sub-section (a) of Section 3, sub-section (a) of Section 8 and sub-section (b) of Section 10 thereof.

(c) The Supplementary Code empowers the Supplementary Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Supplementary Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, the amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

NOVEMBER 1, 1934.

# AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE HACK SAW BLADE MANUFACTURING INDUSTRY

## A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

Delete subparagraph (f) of paragraph 7, article III, and substitute in lieu thereof the following:

(f) 1. It being found necessary in order to support the administration of this Supplementary Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Supplementary Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplementary Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Supplementary Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the industry complying with the Supplementary Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Supplementary Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Supplementary Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Relations Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 84H—Amendment No. 1.  
Registry No. 1114-26.

Approved Code No. 17—Amendment No. 4

**AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
AUTOMOBILE MANUFACTURING INDUSTRY**

As Approved on November 2, 1934

BY

**PRESIDENT ROOSEVELT**

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**EXECUTIVE ORDER**

**APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE  
AUTOMOBILE MANUFACTURING INDUSTRY**

An application having been duly made in behalf of the Automobile Manufacturing Industry, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and the provisions of the Code of Fair Competition for the Automobile Manufacturing Industry duly approved on August 26, 1933, for my approval of an amendment to said Code of Fair Competition for the Automobile Manufacturing Industry, and the National Industrial Recovery Board having found that the said proposed amendment complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of section 3 of said Act have been met, and the National Industrial Recovery Board having recommended approval of such amendment:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the findings and recommendations of the National Industrial Recovery Board and do order that the said application be and it is hereby approved, and that, effective immediately, the said Code of Fair Competition for the Automobile Manufacturing Industry be and it is hereby amended as follows:

In Article I, the seventh paragraph, which has heretofore read as follows:

“The term ‘expiration date’ as used herein means November 3, 1934, or the earliest date prior thereto on which the President shall by proclamation or the Congress shall by joint resolution declare that

the emergency recognized by section 1 of the National Industrial Recovery Act has ended.”

shall be modified to read as follows:

“The term ‘expiration date’ as used herein means February 1, 1935, or the earliest date prior thereto on which the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 1 of the National Industrial Recovery Act has ended.”

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,

*November 2, 1934.*

Approval recommended:

NATIONAL INDUSTRIAL RECOVERY BOARD,

By L. C. MARSHALL,

*Executive Secretary.*

Approved Code No. 17—Amendment No. 4.

Registry No. 1403-1-04.

Approved Code No. 110—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION  
FOR THE  
HARDWOOD DISTILLATION INDUSTRY

As Approved on November 2, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE HARDWOOD DISTILLATION INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Hardwood Distillation Industry, and Notice of Opportunity to be Heard having been duly published thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said title of said act; and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*November 2, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on the Amendment to the Code of Fair Competition for the Hardwood Distillation Industry, which was approved by you November 10, 1933.

The Amendment provides for open price filing and applies only to methanol (methyl alcohol). The Amendment is designed to incorporate in the Code for the Hardwood Distillation Industry certain fair trade provisions parallel with similar provisions in the Code of Fair Competition for the Industrial Alcohol Industry.

A Notice of Opportunity to be Heard on the said Amendment was submitted by the Code Authority for the said Industry and was published October 16th, 1934, and expired October 30th, 1934, in accordance with the provisions of the National Industrial Recovery Act.

### FINDINGS

The Acting Deputy Administrator in his final report on said Amendment found as herein set forth, and on the basis of all the proceedings in this matter;

The Board finds that:

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said title of said act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Amendment on behalf of the Industry as a whole.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

Therefore, said Amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

NOVEMBER 2, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE HARDWOOD DISTILLATION INDUSTRY

ARTICLE X shall become ARTICLE XI and the following shall become ARTICLE X:

### ARTICLE X—PRICE FILING

SECTION 1. This article shall apply only to the sale of methanol (methyl alcohol) for use for anti-freeze purposes (hereinafter referred to as anti-freeze methanol (methyl alcohol)).

SECTION 2. Each member of the Industry engaged in the sale of anti-freeze methanol (methyl alcohol) shall file with a confidential and disinterested agent of the Code Authority or, if none, then with such agent designated by the National Industrial Recovery Board, identified lists of all of his prices, discounts, rebates, allowances, whether guaranteed against decline in price, and all other terms or conditions of sale, hereinafter in this article referred to as price terms; which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Said price terms shall in the first instance be filed within five (5) days after the effective date of approval of this provision. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the industry engaged in the sale of anti-freeze methanol (methyl alcohol) and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the Code Authority in the preparation and distribution thereof and be available for inspection by any of their customers at the office of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members of the industry engaged in the sale of anti-freeze methanol (methyl alcohol) and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the date this article becomes effective. The Code Authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the National Industrial Recovery Board. Upon request the Code Authority shall furnish to the National Industrial Recovery Board or any duly designated agent of the National Industrial Recovery Board copies of any such lists or revisions of price terms.

SECTION 3. When any member of the Industry has filed any revision, such member shall not file a higher price within forty-eight (48) hours.



SECTION 4. No member of the Industry shall sell or offer to sell any products of the Industry, for which price terms have been filed pursuant to the provisions of this article, except in accordance with such price terms.

SECTION 5. The provisions of this article shall not apply to sales for export from the United States or between members of the Industry.

SECTION 6. No member of the Industry engaged in the sale of anti-freeze methanol (methyl alcohol) shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the Industry to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this article to create.

SECTION 7. Inasmuch as the Supplementary Code of Fair Competition for the Industrial Alcohol Industry, a division of the Chemical Manufacturing Industry, has a similar provision for the filing of prices of ethyl alcohol, isopropyl alcohol and methyl alcohol (other than that produced from the destructive distillation of wood), prices filed under said Code and under this article shall be exchanged under the same conditions as outlined above insofar as they apply to such alcohols when sold for anti-freeze purposes.

SECTION 8. (a) The article shall be effective only simultaneously with and so long as the members of the Industrial Alcohol Industry, including all producers of synthetic methanol (methyl alcohol) for anti-freeze purposes, shall be bound by similar provisions, as embodied in Article V, Fair Trade Practice Provision, of the Supplementary Code of Fair Competition for the Industrial Alcohol Industry, a Division of the Chemical Manufacturing Industry, approved August 21, 1934.

(b) This article shall expire January 31, 1935.

Approved Code No. 110—Amendment No. 3.  
Registry No. 699-03.



Approved Code No. 83A—Amendment No. 1

**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION**

FOR THE

**PACIFIC COAST SECTION OF THE SOAP AND  
GLYCERINE MANUFACTURING INDUSTRY**

As Approved on November 2, 1934

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**ORDER**

**APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE PACIFIC COAST SECTION OF THE SOAP AND GLYCERINE MANUFACTURING INDUSTRY**

**A DIVISION OF THE SOAP AND GLYCERINE MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Supplementary Code of Fair Competition for Pacific Coast Section of the Soap and Glycerine Manufacturing Industry, and due notice and opportunity to be heard having been duly given thereon and the annexed report on said amendments containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By **W. A. HARRIMAN**, *Administrative Officer*,

Approval recommended:

**JOSEPH F. BATTLEY**

*Acting Division Administrator.*

WASHINGTON, D. C.,

*November 2, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is to report on the application of the Potash group of the Pacific Coast Section of the Soap and Glycerine Manufacturing Industry for Amendments to the Supplementary Code of Fair Competition for the Soap and Glycerine Manufacturing Industry, approved by you on June 29, 1934. A notice has been published allowing all interested parties to file any objections, suggestions or corrections to the Amendments.

### GENERAL STATEMENT

The application represents the desires of the entire Potash group of the Pacific Coast Section of the Soap and Glycerine Manufacturing Industry. The effect of the Amendments is to provide open price filing and cost and price cutting provisions for Potash Soap manufacturers in the Pacific Coast Section.

### FINDINGS

The Acting Deputy Administrator in his final report on said amendments of said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The Board finds that:

(a) The amendments to said code and Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organizations of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendments on behalf of the Section of the industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons, therefore, these amendments have been approved.  
For The National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

NOVEMBER 2, 1934.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION FOR THE PACIFIC COAST SECTION OF  
THE SOAP AND GLYCERINE MANUFACTURING  
INDUSTRY

A DIVISION OF THE SOAP AND GLYCERINE MANUFACTURING INDUSTRY

SCHEDULE A—OPEN PRICE

*(For Certain Potash Soaps Only)*

“SECTION 1. Each member of the Section manufacturing Potash Soaps shall file with a confidential and disinterested agent of the Fair Practice Agency, or, if none, then with such an agent designated by the National Industrial Recovery Board, identified lists of all of his prices, discounts, rebates, allowances, and all other terms or conditions of sale, hereinafter in this article referred to as ‘price terms’, which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all the following products of the Section as are sold or offered for sale by said member:

- Liquid Hand Soaps
- Concentrated Liquid Soaps
- Liquid Floor Soaps
- Base Soaps
- U. S. P. Green Soaps

And for such other potash soap products of said member as shall be designated by the Fair Practice Agency after having been submitted to a vote of the members of the Section manufacturing same and approved by the National Industrial Recovery Board. Said price terms shall in the first instance be filed within 7 days after the date of approval of this provision. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the Section manufacturing potash soaps and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the Fair Practice Agency in the preparation and distribution thereof and be available for inspection by any of their customers at the office of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members of the Section and their customers, as aforesaid; provided the prices filed in the first instance shall not be released until the expiration of the aforesaid 7-day period after the approval of this provision. The Fair Practice Agency

shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the National Industrial Recovery Board. Upon request the Fair Practice Agency shall furnish to the National Industrial Recovery Board or any duly designated agent of the National Industrial Recovery Board copies of any such lists or revisions of price terms.

“SECTION 2. When any member of the Section manufacturing potash soaps has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

“SECTION 3. No member of the Section shall sell or offer to sell any of the products of the Section set forth in Section 1 hereinabove or which may hereafter be designated by the Fair Practice Agency and with the approval of the National Industrial Recovery Board, as coming under the above Section 1 of this Article, for which price terms have been filed pursuant to the provisions of this Article, except in accordance with such price terms.

“SECTION 4. No member of the Section shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the Section to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this Article to create.”

#### SCHEDULE B—COSTS AND PRICE CUTTING

##### *(For Potash Soap Manufacturers Only)*

SECTION 1. The standards of fair competition for the Potash Soap Manufacturers of the Pacific Coast with reference to pricing practices are declared to be as follows:

(a) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the Section in the Pacific Coast Section or of any other industry or the customers of either may at any time complain to the Fair Practice Agency that any filed price constitutes unfair competition as destructive price cutting, imperiling small enterprise or tending toward monopoly or the impairment of code wages and working conditions. The Fair Practice Agency shall within 5 days afford an opportunity to the member filing the price to answer such complaint and shall within 14 days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of National Industrial Recovery Board which shall render a report and recommendation thereon to the National Industrial Recovery Board.

(b) When no emergency exists as to any given product there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.

(c) When an emergency exists as to any given products, sale below the stated minimum price of such product, in violation of Section 2 hereof, is forbidden.

SECTION 2. *Emergency Provisions:*

(a) If the National Industrial Recovery Board, after investigation shall at any time find both (1) that an emergency has arisen within the Pacific Coast Section adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product within the Section for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Fair Practice Agency may cause an impartial agency to investigate costs and to recommend to the National Industrial Recovery Board a determination of the stated minimum price of the product affected by the emergency and thereupon the National Industrial Recovery Board may proceed to determine such stated minimum price.

(b) When the National Industrial Recovery Board shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, he shall publish such price. Thereafter, during such stated period, no member of the Section shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time the Fair Practice Agency may recommend review for reconsideration or the National Industrial Recovery Board may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

Approved Code No. 83 A—Amendment No. 1.  
Registry No. 623-05.



Approved Code No. 24—Amendment No. 4

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**BITUMINOUS COAL INDUSTRY**

As Approved on November 5, 1934

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
BITUMINOUS COAL INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16th, 1933, for approval of an amendment to a Code of Fair Competition for the Bituminous Coal Industry as contained in a published Notice of Opportunity to File Objections, Administrative Order 24-52, dated August 1, 1934, and amended to meet certain objections which were filed as provided in said Published Notice and annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President.

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended complies in all respects with the pertinent provisions and will promote the policy and the purposes of said Title of said Act, and does hereby order that said amendment be and is hereby approved, and that the previous approval of said Code is hereby amended to include approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*November 5, 1934*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Bituminous Coal Industry, submitted by the Code Authority for the said Industry.

The existing provision of Article VII, Section 3 of the Code for said Industry, is entirely inadequate in view of the necessity of obtaining reliable data and facts for use in studies of wages and prices and in administering the provisions of the Code, and it is therefore evident that the proposed amendment to Article VII, Section 3, of said Code will overcome the existing inadequate provision.

### FINDINGS

The Acting Deputy Administrator in his final report to us on the amendment to the Code of Fair Competition for the Bituminous Coal Industry having found as herein set forth and on the basis of all proceedings in this matter:

We find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by including and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as modified complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers any Divisional Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) This amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, this amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,

*Administrative Officer.*

NOVEMBER 5, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BITUMINOUS COAL INDUSTRY

Delete Section 3 of Article VII and substitute in lieu thereof the following:

SECTION 3. (a) Each Code Authority shall set up and maintain a Statistical Bureau which shall be under the direction of a Managing Director, who may be the Secretary of the Code Authority and who shall not be an officer, director, or employee of any producer. All producers shall, in their respective Sub-divisions, (or Divisions) report all spot orders to such Bureau and shall file with such Bureau copies of all contracts for the sale of coal, copies of all invoices, copies of all credit memoranda and such other information concerning the production and sale of coal as such Code Authority, with the approval of its Presidential Member, may require.

(b) Each producer shall, in his Sub-division (or Division) file all such reports and other information as described in sub-section (a) above with the Statistical Bureau of the Sub-division (or Division). Failure to file such reports or other information, or filing materially inaccurate reports or other information, shall be a violation of the Code.

(c) All such records shall be held by such Bureau as the confidential records of the producer filing such information, until the Code Authority shall direct their return to the producer filing the same.

(d) Each Bureau shall, if so directed by the Code Authority, compile from such records, in composite form and in such manner as shall not be prejudicial to the interests of any producer, statistical information with respect to the sale and distribution of coal. None of such records nor the information contained therein shall be disclosed to anyone except as so compiled and except as hereinafter provided in subsections (e) and (f) hereof in connection with violations of the Code.

(e) The Managing Director shall examine such records and if such examination shall, in the opinion of the Managing Director, disclose a violation of the Code, the Managing Director shall report such violation to the Presidential Member, together with any information necessary to enable the Presidential Member to consider such violation. In investigations of any complaint of unfair practices, the Presidential Member of a Code Authority shall have power to require such other reports from, and shall be given access to inspect the books and records of producers within the jurisdiction of such Code Authority to the extent he may deem necessary for the determination of the validity of the complaint.

(f) If the Presidential Member shall determine that any such complaint as described in subsection (e) hereof discloses a violation of the Code, the Presidential Member shall report such violation to the Code Authority together with any reports or other information

filled in accordance with the provisions of this section which may appear necessary to the Presidential Member to enable the Code Authority to consider the merits of such violation and to take such steps as it shall deem necessary to secure observance of the Code.

(g) All producers subject to the Code shall furnish to any government agency or agencies designated by the Administrator such statistical information as the Administrator may from time to time deem necessary for the purpose recited in Section 3 (a) of the National Industrial Recovery Act.

(h) The expense of administering this Code by a Divisional (or Sub-Divisional) Code Authority shall be borne by those subject to such Code Authority, each paying his proportionate share, as assessed, computed on a tonnage basis, in accordance with regulations prescribed by the Code Authority with the approval of the Administrator, and failure to pay such assessments shall constitute a violation of the Code.

Approved Code No. 24—Amendment No. 4.  
Registry No. 702-45.



Approved Code No. 403—Amendment No. 1

**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**BLEACHED SHELLAC MANUFACTURING**  
**INDUSTRY**

**As Approved on November 5, 1934**

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE**  
**BLEACHED SHELLAC MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Bleached Shellac Manufacturing Industry, and opportunity to be heard having been afforded all interested parties, and any objections filed having been duly considered, and the annexed report on said amendment containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said title of said act; and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOSEPH F. BATTLE, *Acting Division Administrator*.

WASHINGTON, D. C.,  
*November 5, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an amendment to the Code of Fair Competition for the Bleached Shellac Manufacturing Industry, submitted by the Code Authority for the Bleached Shellac Manufacturing Industry.

The purpose and effect of this amendment are to enable the Code Authority to incur such reasonable obligations as are necessary for the administration of the Code. It requires that the Code Authority submit for approval of the National Industrial Recovery Board an itemized budget and an equitable basis of pro-rating the assessments to be collected from the members of the Industry. Payment of an equitable contribution to the expenses of the Code Authority by members of the Industry is made mandatory by this amendment if their principal line of business is covered by this Code.

The Deputy Administrator in his final report on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) This amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.



(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

Said amendment is accordingly approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

NOVEMBER 5, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR  
THE BLEACHED SHELLAC MANUFACTURING  
INDUSTRY

Delete Section 4 of Article VI, Organization and Duties of the Code Authority, and substitute therefor the following:

SECTION 4-A. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purpose of the Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

B. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided (unless duly exempted from making such contribution), shall be entitled to receive the benefits of the voluntary activities of the Code Authority or to make use of any emblem or insignia of the National Recovery Administration.

C. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 403—Amendment No. 1.  
Registry No. 619-01.

**AMENDMENT TO CODE OF FAIR COMPETITION**  
**FOR THE**  
**CORRUGATED AND SOLID FIBRE SHIPPING**  
**CONTAINER INDUSTRY**

As Approved on November 5, 1934

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**ORDER**

**APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE**  
**CORRUGATED AND SOLID FIBRE SHIPPING CONTAINER INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code for the Corrugated and Solid Fibre Shipping Container Industry, and due notice and opportunity to be heard having been given thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said title of said act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*November 5, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Corrugated and Solid Fibre Shipping Container Industry which was approved by you on February 1, 1934.

The amendment provides for incorporation of the Code Authority for the Corrugated and Solid Fibre Shipping Container Industry, with powers, objects and purposes of the corporation to be formed limited to those conferred upon the Code Authority by the Code.

The Deputy Administrator in his final report on said amendment of said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The Board finds that:

(a) The amendment of said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to propose the amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

NOVEMBER 5, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE  
CORRUGATED AND SOLID FIBRE SHIPPING CON-  
TAINER INDUSTRY

Amend Article II by adding thereto an additional section to be known as Section 10 which reads as follows:

The Corrugated and Solid Fibre Shipping Container Industry Code Authority may, upon submission to and approval by the Administrator of its proposed Certificate of Incorporation and By-Laws, incorporate under the laws of any state of the United States or of the District of Columbia, such corporation to be known as the Container Code Authority, Inc. The powers, objects and purposes of the said corporation shall in all respects be limited to the powers, objects, and purposes of the Corrugated and Solid Fibre Shipping Container Code Authority, as provided in this Code.

Approved Code No. 245—Amendment No. 1.  
Registry No. 406-1-08.



Approved Code No. 210—Amendment No. 2

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

### PIPE ORGAN INDUSTRY

As Approved on November 5, 1934

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#### ORDER

#### APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE PIPE ORGAN INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I. of the National Industrial Recovery Act, approved June 16, 1933, for approval of an Amendment to a Code of Fair Competition for the Pipe Organ Industry, and hearings having been duly held thereon and the annexed report on said Amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said Amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said Amendment be and it is hereby approved, and that the previous approval of said Code as amended is hereby modified to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator*.

WASHINGTON, D. C.,  
November 5, 1934.

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Code Authority for the Pipe Organ Industry submitted on June 11, 1934 a request for the Amendment of their Code to provide for provisions governing terms of payment.

On August 10, 1934, a Public Hearing was held in Washington, D. C., pursuant to the provisions of the National Industrial Recovery Act. Every person who requested an appearance was properly heard in accordance with statutory and regulatory requirements. The Amendments were revised during the recess and were submitted in their present form for approval.

The Deputy Administrator in his final report on said Amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

It is found that:

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of the industries, by avoiding undue restriction of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the afore-said Amendment on behalf of the Industry as a whole.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, therefore, this Amendment has been approved. For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

NOVEMBER 5, 1934.



## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE PIPE ORGAN INDUSTRY

Add to Article VII the following Rules:

**RULE 8. *Minimum Terms of Payment.***—The following minimum terms shall be required by each member of the Industry in connection with terms of payment under every contract hereinafter entered into for the sale of an organ:

1. Not less than ten percent (10%) of the contract price to be paid in cash when the contract is signed.

2. Not less than twenty percent (20%) of the contract price to be paid in cash when the principal portions of the organ have been built and delivered or when delivery thereof has been stopped or postponed at the direction of the purchaser.

3. The balance (which shall not be more than 70% of the contract price), to be paid when the organ has been erected complete at place of delivery, either in cash or in negotiable promissory notes bearing interest at a rate not less than 6% per annum, or part in cash and part in such notes. Of the sum so taken in notes, not more than  $\frac{1}{3}$  may be notes made due and payable within a period or periods not to exceed three years from the date of completion of the organ; not less than  $\frac{1}{3}$  may be notes due and payable within a period or periods not to exceed one year from the date of completion of the organ; the balance of the sum so taken in notes may be notes made due and payable within a period or periods not to exceed two years from date of completion of the organ. No agreement or representation as to the extension or renewal of any note or notes to be given in connection with the sale of an organ shall be made which directly or indirectly shall extend or defer the time of payment of such notes beyond the times mentioned in this Rule 8, or lead a purchaser to believe that such renewal or extension will be granted.

4. No payment required to be made hereunder shall be considered to be in default for a period of fifteen (15) days after the same is due under the terms hereof.

**RULE 9. *Payment.***—No member of the Industry shall agree, in connection with the sale of an organ, to accept as payment under any such contract anything other than cash or Purchasers' interest bearing paper, except at current market value. Where provisions concerning payments for the purchase of pipe organs have been established for specific projects, by competent governmental authority or agencies (whether Federal, State or political subdivisions thereof) acting in accordance with law, any member of the Industry required to comply and complying with the provisions so established shall be relieved of compliance with Rule 8 of this Article VII. If any purchaser demands protection in respect to the security of cash paid in advance of completion and acceptance of an organ, the builder may, if he desires, furnish a suitable bond to the purchaser.

**RULE 10. *Financing.***—No member of the Industry shall circumvent the intent of Rule 8 in respect to cash payments by offering

or promising to finance, either directly or indirectly, such cash payments, or by directly or indirectly guaranteeing any loans to the purchaser.

Approved Code No. 210—Amendment No. 2  
Registry No. 1644-02.

Approved Code No. 123—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

STRUCTURAL CLAY PRODUCTS INDUSTRY

As Approved on November 5, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
STRUCTURAL CLAY PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of an amendment to a Code of Fair Competition for the Structural Clay Products Industry, and NOTICE OF OPPORTUNITY TO BE HEARD, Administrative Order 123-11, dated October 2, 1934, having been published and no objection having been filed as provided in said published notice, and the annexed report on said amendment containing findings with respect thereto, having been made and directed to the President.

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*November 5, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an Amendment to the Code of Fair Competition for the Structural Clay Products Industry, submitted by the Code Authority for the said Industry.

The existing provision of Article X of the Code for the said Industry, is entirely inadequate in view of Executive Order 6678 and Administrative Order X-36, and it is therefore evident that the amendment to Article X of said Code, the provisions of which follow closely the text of the above mentioned Orders, will overcome the existing inadequate provisions.

### FINDINGS

The Deputy Administrator in his final report to us on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, we have approved this amendment.  
For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

NOVEMBER 5, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE STRUCTURAL CLAY PRODUCTS INDUSTRY

Delete Article X in its entirety and substitute therefor the following:

(a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purpose and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(3) After such budget and basis of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contribution, shall be entitled to participate in the selection of members of the Code Authority, Branch Committees, Regional Committees or any other Administrative Agencies herein established or to receive the benefits of any of their voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

(d) The Code Authority shall designate any of the trade associations submitting this Code or any other appropriate agency or agencies, to assist it in maintaining its accounts, determining such proportionate shares and in securing the collection thereof. If a

manufacturer makes more than one of the several products covered by this Code he shall bear his proportionate share of the expense in each branch of the industry.

(e) Each trade association or agency from the funds thus collected shall pay the proportionate share for its branch, of the Code Authority's expenses as apportioned by the Code Authority.

(f) Each trade association or agency from the funds collected shall also pay the expense of the branch committee of its branch of the industry incurred in connection with its duties under the Code.

(g) Each trade association or agency shall pay out of the funds collected any expense authorized to be incurred by any regional committee of its branch.

(h) Every manufacturer shall report to the trade association or associations, or such agency or agencies as the Code Authority shall determine, and at such time as the Code Authority shall specify, the total shipments and deliveries from his plant, or plants, of clay products classified according to requirements set by the Code Authority. To fail to report, or falsely to report, shipments shall be a violation of this Code.

Approved Code No. 123—Amendment No. 2.  
Registry No. 1013-1-03.





**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**CONSTRUCTION INDUSTRY**

**As Approved on November 6, 1934**

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE  
CONSTRUCTION INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Construction Industry, and an opportunity to be heard having been duly afforded to all interested parties and the annexed report on said amendment containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive orders of the President, including Executive Order No. 6859, dated September 27th, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

WALTER G. HOOKE,  
*Acting Division Administrator*.

WASHINGTON, D. C.,  
*November 6, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report covering an amendment to the Code of Fair Competition for the Construction Industry as approved by you on January 31st, 1934. The amendment has been duly submitted by the National Code Authority on behalf of the Industry. All those interested have had ample opportunity to file objections, and no such objections have been received.

The effect of the amendment to Article III is to permit the Code Authority, subject to proper budgetary control, to pay the proper expenses of members of the National and Regional Boards as provided for in said Code. Payment to cover the services of the members of said Boards has been specifically excluded. This amendment, by meeting the proper expenses of the members of National and Regional Boards, enlarges the opportunity to secure representation from among those members of the Industry who would otherwise find it impossible to serve, thus making such Boards more truly representative.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code having found as herein set forth and on the basis of the proceedings in this matter:

It finds that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The Code as amended is not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, the National Industrial Recovery Board has approved this amendment.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

NOVEMBER 6, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE CONSTRUCTION INDUSTRY

Amend Article III by deleting the last paragraph of Article III, Section 5, reading as follows:

“The cost of conducting the National and Regional Boards herein provided for, shall be borne by the Construction Code Authority, subject to a budget submitted to and approved by it, provided, however, that the cost of the services and the expenses of the members of said Boards, shall not be paid by such Authority.”  
and substituting therefor the following paragraph:

“The cost of conducting the National and Regional Boards herein provided for shall be borne by the Construction Code Authority, subject to a budget submitted to and approved by it, provided, however, that the cost of the services of the members of said Boards, shall not be paid by such Authority, but the expenses of the members of said Boards may be paid by such Authority.”

Approved Code No. 244—Amendment No. 5.  
Registry No. 1616-2-31.

Approved Code No. 84F1—Amendment No. 1

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION  
FOR THE  
HOG RING AND RINGER MANUFACTURING  
INDUSTRY

As Approved on November 6, 1934

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ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE HOG RING AND RINGER MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Supplementary Code of Fair Competition for the Hog Ring and Ringer Manufacturing Industry, and a Notice of Opportunity to be Heard having been duly given thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Supplementary Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby amended to include an approval of said Supplementary Code in its entirety as amended, such approval and such

amendment to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator*.

WASHINGTON, D. C.,  
*November 6, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an amendment of Article IV of the Supplementary Code of Fair Competition for the Hog Ring and Ringer Manufacturing Industry by the Supplementary Code Authority for that Industry.

The Supplementary Code of Fair Competition for the Hog Ring and Ringer Manufacturing Industry was approved on May 22, 1934. Article IV, Section 5 provides that:

"Section 5. It being found necessary in order to support the administration of this Supplementary Code and to maintain the standards of fair competition established by this Supplementary Code and to effectuate the policy of the Act, the Supplementary Code Authority is authorized, subject to the approval of the Administrator:

"(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplementary Code;

"(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

"(c) After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all such members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name."

Article IV, Section 6 provides that:

"Only members of the Industry complying with the Supplementary Code and contributing to the expenses of its administration as provided in Section 1 hereof shall be entitled to participate in the selection of the members of the Supplementary Code Authority or to receive the benefit of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration."

The above sections of Article IV in effect provide for voluntary contributions on the part of the members of the Industry. This method of providing funds for the proper administration of the Supplementary Code has been found to be unsatisfactory. The present amendment is therefore proposed to create a legal obligation on the part of the Industry members to pay their pro rata share of the expenses of the Supplementary Code Authority.

## FINDINGS

The Assistant Deputy Administrator, in his final report to the National Industrial Recovery Board on said amendment of said Code, having found as herein set forth and on the basis of all the proceedings in this matter:

It finds that:

(a) The amendment of said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, it has approved this amendment.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

NOVEMBER 6, 1934.



## AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE HOG RING AND RINGER MANUFACTURING INDUSTRY

### A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

Amend Article IV, by deleting Section 5 and Section 6 and substituting in place thereof the following:

SECTION 5. (a) It being found necessary, in order to support the administration of this Supplementary Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Supplementary Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplementary Code.

(2) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity as it may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

(3) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Supplementary Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contribution, shall be entitled to participate in the selection of members of the Supplementary Code Authority or to receive the benefit of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Supplementary Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the

total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Delete Sections 9 (e) and 9 (f) of Article IV and renumber Section 9 (g) to read 9 (e).

Approved Code No. S4F1—Amendment No. 1.  
Registry No. 1122-07.

Approved Code No. 84M1—Amendment No. 1

**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION**

FOR THE

**PRISON EQUIPMENT MANUFACTURING  
INDUSTRY**

**As Approved on November 6, 1934**

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**ORDER**

**APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE PRISON EQUIPMENT MANUFACTURING INDUSTRY**

**A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Supplementary Code of Fair Competition for the Prison Equipment Manufacturing Industry, and Notice to File Objection having been given and the annexed report on said amendment containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendments and the Supplementary Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and are hereby approved, and that the previous approval of said Supplementary Code is hereby amended to include an approval of said Supplementary Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By **W. A. HARRIMAN**, *Administrative Officer*.

Approval recommended:

**KILBOURNE JOHNSTON**,  
*Acting Division Administrator*.

WASHINGTON, D. C.,  
*November 6, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: This is a report on three amendments to the Supplementary Code of Fair Competition for the Prison Equipment Manufacturing Industry, defining the terms "Prison Equipment Manufacturing Industry", "industry products" and "member of the industry."

These amendments were proposed in accordance with Article X, Section 2 of the Supplementary Code, approved July 5, 1934.

Notice of Opportunity to be Heard was given from October 11, 1934, to October 24, 1934. No objection has been filed against these amendments of the Supplementary Code.

### FINDINGS

The Assistant Deputy Administrator in his final report to us on said amendment of said Supplementary Code having found as herein set forth and on the basis of all the proceedings in this matter. We find that:

(a) The amendments of said Supplementary Code and the Supplementary Code as amended are well constituted to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of Industry for the purposes of cooperative action among the Trade Groups, by inducing and maintaining united action of labor and management under adequate Government sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, and improving standards of labor, and by otherwise rehabilitating industry.

(b) The Supplementary Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Supplementary Code empowers the Supplementary Code Authority to present the aforesaid amendments on behalf of the Industry as a whole.

(d) The amendments and the Supplementary Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Supplementary Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For this reason, these amendments have been approved by us.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

NOVEMBER 6, 1934.

## AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE PRISON EQUIPMENT MANU- FACTURING INDUSTRY

### A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

For Article II, Section 1 (a), substitute the following:

The term "Prison Equipment Manufacturing Industry" or the "Industry", as used herein, is defined to mean the manufacturing for sale and/or offering to sell and/or selling and/or installation of industry products, hereinafter defined as prison equipment, by a member of the Industry, as hereinafter defined.

For Article II, Section 1 (b), substitute the following:

The term "industry products", as used herein, is defined to mean prison equipment, comprising, but without limitation, such parts as cells, cell fronts, locking and operating devices, locks, cell furnishings, windows, window guards, grilles, grating and plate partitions and doors, and related specialties, and parts, any or all of such parts constituting, when assembled, prison equipment for prisons, jails, reformatories, asylums and other penal and/or corrective institutions in which public peace and safety require inmates to be confined and prevented from escape.

For Article II, section 3, substitute the following:

The term "member of the industry" as used herein includes, but without limitation, any individual, partnership, association, corporation or other form of enterprise engaged in this Industry either as an employer or on his own or its own behalf in manufacturing, and/or offering to sell, and/or selling and/or installation of industry products, except general and/or building contractors selling and/or installing prison equipment as part of a general building contract.

Approved Code No. S4M1—Amendment No. 1.  
Registry No. 1118-27.

Approved Code No. 330—Amendment No. 2

**AMENDMENT TO CODE OF FAIR COMPETITION**

FOR THE

**SCRAP IRON, NONFERROUS SCRAP METALS  
AND WASTE MATERIALS TRADE**

As Approved on November 6, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE SCRAP  
IRON, NONFERROUS SCRAP METALS AND WASTE MATERIALS TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade, and an opportunity to be heard having been afforded to all members of the Trade, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act; and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

ROBERT L. HOUSTON,  
*Division Administrator.*

WASHINGTON, D. C.,  
*November 6, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: This is a report on an amendment to the Code of Fair Competition for the Scrap Iron, Nonferrous Scrap Metals and Waste Materials Trade, on which a Notice of Opportunity to be Heard was published on September 10, 1934.

The first amendment states that nothing in the Code shall constitute the members of a Code Authority partners for any purpose, nor shall the members be held liable for their acts thereunder other than those of wilful misfeasance or nonfeasance.

The second amendment provides for the incorporation, with certain restrictions, of the Code Authorities under the laws of the District of Columbia or of any State of the United States.

The third amendment increases the powers and duties of the Code Authorities relative to adopting By-laws, using trade associations in the execution of code activities, appointing Trade Practise Committees, and recommending to the National Industrial Recovery Board any measures deemed advisable.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code having found as herein set forth and on the basis of the proceedings in this matter;

It finds that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Trade as a whole.



(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons this amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,

*Administrative Officer.*

NOVEMBER 6, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SCRAP IRON, NONFERROUS SCRAP METALS, AND WASTE MATERIALS TRADE

Article VI is hereby amended by adding three new Sections to be numbered respectively Sections 10, 11 and 12, as follows:

SECTION 10. Nothing contained in this Code shall constitute the members of a Code Authority partners for any purpose. Nor shall any member of a Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of a Code Authority. Nor shall any member of a Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under the provisions of this Code except for his own wilful misfeasance or non-feasance. Nothing herein shall relieve any member of a Code Authority from duties or responsibilities imposed upon him by the Code.

SECTION 11. The Code Authorities may incorporate under the laws of any State of the United States or of the District of Columbia, such incorporation to be not for profit and to be known as "the Code Authority of (the applicable) Trade"; provided that the powers, duties, objects and purposes of the said corporations shall, to the satisfaction of the National Industrial Recovery Board, be limited to the powers, duties, objects and purposes of the Code Authorities as provided in the Code; provided further that the several Code Authorities shall submit to the National Industrial Recovery Board for its approval their proposed certificates of incorporation and proposed By-Laws, and no amendment of either shall be made without the like prior approval of the National Industrial Recovery Board.

If at any time the National Industrial Recovery Board shall determine that the corporate status assumed by any of the several Code Authorities is interfering with the proper exercise of its powers and duties under this Code, or with the effectuation of the policies or purposes of the Act, it may, after such notice and hearing as it may deem necessary, require an appropriate modification of the structure of the Corporation (if consistent with the law of the State of Incorporation), the substitution of a corporation created under the laws of another State in the same manner as the existing Code Authority, the substitution of a non-corporative Code Authority truly representative of the Trade or such other actions as it may deem expedient.

SECTION 12. The Code Authorities, in addition to those enumerated in Section 6 of this Article, shall have the following duties and powers to the extent permitted by the Act:

- (a) To adopt By-Laws for their own procedure.
- (b) To use such trade associations and other agencies as they deem proper for the carrying out of any of their activities provided herein, provided that nothing herein shall relieve the Code Author-

ities of their duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(c) To appoint Trade Practice Committees which shall meet with the Trade Practice Committees appointed under such other Codes as may be related to the Trade for the purpose of formulating fair trade practices to govern the relationships between employers under this Code and under such other Codes, to the end that such fair trade practices may be presented to the National Industrial Recovery Board as amendments to this Code and of such other Codes.

(d) To recommend to the National Industrial Recovery Board any section or measures deemed advisable, including further fair trade practice provisions to govern members of the Trade in their relations with each other or with other trades; measures for industrial planning and stabilization of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the National Industrial Recovery Board after such notice and hearing as it may specify.

Approved Code No. 330—Amendment No. 2.  
Registry No. 1632-27.



AMENDMENT TO SUPPLEMENTARY CODE OF FAIR  
COMPETITION

FOR THE

SHOE SHANK MANUFACTURING INDUSTRY

As Approved on November 6, 1934

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ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE SHOE SHANK MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Supplementary Code of Fair Competition for the Shoe Shank Manufacturing Industry, and a Notice of Opportunity to be Heard having been duly given thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate, by reference, said annexed report and does find that said amendment and the Supplementary Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby amended to include an approval of said Supplementary Code in its entirety as amended, such approval and such amendment to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*November 6, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an amendment of Article IV of the Supplementary Code of Fair Competition for the Shoe Shank Manufacturing Industry by the Supplementary Code Authority for that Industry.

The Supplementary Code of Fair Competition for the Shoe Shank Manufacturing Industry was approved on February 21, 1934. Article IV, Section 5, Subsection (e) provides that:

"(e) Each member of the Industry shall pay to the Association as the agent of the Supplementary Code Authority his or its proportionate share of the amount necessary to pay the cost of assembling, analyzing, and publication of such reports and data and of the maintenance and operation of the Supplementary Code Authority in connection with its activities relative to the administration of this Supplementary Code; said proportionate share to be based upon the net sales and/or other equitable factors as the Supplementary Code Authority may prescribe, subject to the approval of the Administrator."

The above Section of Article IV in effect provides for voluntary contribution on the part of the members of the Industry. This method of providing funds for the proper administration of the Supplementary Code has been found to be unsatisfactory. The present amendment is therefore proposed to create a legal obligation on the part of the Industry members to pay their pro rata share of the expense of the Supplementary Code Authority.

### FINDINGS

The Assistant Deputy Administrator, in his final report to the National Industrial Recovery Board on said amendment of said Supplementary Code, having found as herein set forth and on the basis of all of the proceedings in this matter:

It finds that:

(a) The amendment of said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of Industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the

present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating Industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies of monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, it has approved this amendment.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

NOVEMBER 6, 1934.

## AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE SHOE SHANK MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

Amend Article IV, by deleting Subsection (e) of Section 5 and substituting in place thereof the following:

SECTION 5 (e). 1. It being found necessary, in order to support the administration of this Supplementary Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Supplementary Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplementary Code.

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Supplementary Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contribution, shall be entitled to participate in the selection of members of the Supplementary Code Authority or to receive the benefit of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Supplementary Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

Approved Code No. 84F—Amendment No. 1.  
Registry No. 929-1-01.



AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

TALC AND SOAPSTONE INDUSTRY

As Approved on November 6, 1934

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ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE TALC  
AND SOAPSTONE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of an amendment to a Code of Fair Competition for the Talc and Soapstone Industry, and NOTICE OF OPPORTUNITY TO BE HEARD, Administrative Order 350-8, dated October 2, 1934, having been published and no objection having been filed as provided in said published notice, and the annexed report on said amendment containing findings with respect thereto, having been made and directed to the President.

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the said Board issues a subsequent Order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
November 6, 1934.

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Talc and Soapstone Industry, submitted by the Code Authority for the said Industry.

The existing provision of Article VI, Section 5 of the Code for the said Industry, is entirely inadequate in view of Executive Order 6678 and Administrative Order X-36, and it is therefore evident that the amendment to Article VI of said Code, the provisions of which follow closely the text of the above mentioned Orders, will overcome the existing inadequate provisions.

### FINDINGS

The Deputy Administrator in his final report to us on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the industry as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in others steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, we have approved this amendment.  
For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

NOVEMBER 6, 1934.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE TALC AND SOAPSTONE INDUSTRY

Delete Subsection (f) of Section 7 of Article VI, and change the lettering of Subsections (g) and (h) to read "Subsections (f) and (g)" respectively. Delete Section 5 of Article VI and substitute therefor the following:

### Section 5.

(a) It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(2) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry;

(3) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the industry, shall pay his of its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

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**SUPPLEMENTS**

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**SUPPLEMENTARY CODE OF FAIR COMPETITION**

FOR THE

**SAW MILL MACHINERY INDUSTRY**

As Approved on October 11, 1934

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**ORDER**

**APPROVING SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE SAW  
MILL MACHINERY INDUSTRY**

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Supplemental Code of Fair Competition for the Saw Mill Machinery Subdivision of Machinery and Allied Products Industry, and hearing having been held thereon and the annexed report on said Supplemental Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate by reference said annexed report and does find that said Supplemental Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and does hereby order that said Supplemental Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article VIII, Sections (a) and (b), insofar as they prescribe a waiting period between the filing with the Code Authority (or such agency as may be designated in the Supplemental Code) and the effective date of price lists, as originally filed and/or revised price lists or revised terms and conditions of sale, be and they hereby are stayed pending further order.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

BARTON W. MURRAY,

*Division Administrator.*

WASHINGTON, D. C.,

*October 11, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,

*The White House.*

SIR: This is a report on the Supplemental Code of Fair Competition for the Sawmill Machinery Subdivision of Machinery and Allied Products Industry, a public hearing on which was held in Washington, D. C., on December 6, 1933, and reconvened on December 21, 1933. The hearings were conducted in full accordance with the provisions of Title I of the National Industrial Recovery Act.

### GENERAL STATEMENT

The Sawmill Machinery Subdivision, being truly representative of the manufacturers of the products defined in Article II of the Supplemental Code, has elected to formulate and submit a Supplemental Code of Fair Competition as provided in the second paragraph of Article I of the Code of Fair Competition for the Machinery and Allied Products Industry, approved by you on the seventeenth day of March, 1934.

The Subdivision includes the manufacture for sale of machinery and parts thereof for use in sawmills for converting saw logs or timbers into lumber and other timber products, and includes all those engaged in the manufacture of such machinery for sale.

### ECONOMIC EFFECT

Annual sales in the Subdivision, according to the code application, declined from \$2,540,000 in 1929 to \$261,000 in 1932, or 90 per cent. The Subdivision has not furnished direct figures which would indicate an increase in production for 1933. Aggregate invested capital and production capacity have remained reasonably constant.

Estimates showing employment for the entire Subdivision submitted in the code application indicate that employment declined from 657 wage earners in 1929 to 188 in 1933, or 71.4 per cent.

The effect of the 40-hour provision with production at more normal levels may be estimated on a basis of the 1930-1931 average of total man-hours per week by dividing by the number of hours prescribed in the code. After 1929, man-hours declined steadily from 34,690 to a minimum of 6,930 in 1932, or approximately 80 per cent. Average man-hours in 1933 increased to 13,750, or 98.5 per cent, and have remained almost constant.

If it is assumed that the 17,745 average man-hours for 1930-1931 are representative of the volume of production for those years, and a reasonable measure of man-hour requirements in a more normal



period, the adoption of the 40-hour week would require a force of approximately 440 employees or 67 percent of the 1929 working level.

Owing to the impossibility of all employees of the Subdivision working the maximum 40 hours, the average work week will be shorter, say 36 assumed effective hours, and employment correspondingly greater; viz, 490 workers will be required to produce the 1930-1931 volume.

The minimum wage provisions for the Subdivisions which are operating under the Code of the Machinery and Allied Products Industry, are based on a flat minimum hourly rate of 32 cents per hour for the South and the following city population differentials for all other sections of the United States:

Over 50,000 population.....	40 cents per hour.
10,000 to 50,000 population.....	38 cents per hour.
10,000 population and under.....	36 cents per hour.

In addition to the minimum wage rates shown above, the Code provides that women engaged in substantially the same work as men, shall receive the same rate of pay as such men employees; that the minimum wage for women employees engaged in plant operation shall be not less than 87.5 percent of the proper rate for the locality in which employed as specified; and that the minimum in the South shall be not less than 32 cents per hour.

Distribution of the number of factory workers receiving classified rates in the specified areas are not available. Consequently, it is only possible to estimate the approximate number of factory workers who will receive the benefit of the proposed minimum hourly rates, regardless of location, on the basis of the number of factory workers receiving less than the designated hourly rates as of June 15, 1933.

*Estimated number of factory workers receiving less than designated hourly rates*

Proposed minimum hourly rates	Distribution of factory workers receiving less than the minimum, regardless of location	
	Approximate percent	Approximate number
40 cents (other U. S.).....	50.4	130
38 cents (other U. S.).....	47.0	121
36 cents (other U. S.).....	43.6	112
32 cents (South).....	34.7	89

Based on the distribution as of June 15, 1933 and on the specified percentages of the number of factory workers receiving less than the designated rates shown in the above table, the adoption of the proposed minimum rates will probably cause an increase in factory pay-rolls. The estimated increase as of June 15, 1933, regardless of location of the workers, will probably, under the most favorable conditions, not exceed 14.0 per cent assuming only upward adjustment in the brackets below the 40-cent minimum and no change in man-hour requirements.

## RÉSUMÉ OF SUPPLEMENTAL CODE

Article I states the purpose of the Supplemental Code.

Article II accurately defines specific terms applicable to the Subdivision as used in this Supplemental Code.

Article III provides for the adoption of the employment provisions of the Code of Fair Competition for the Machinery and Allied Products Industry, as approved by you, and as from time to time amended.

Article IV provides for the adoption of Articles II, VI, VIII and IX of the Code of Fair Competition for the Machinery and Allied Products Industry, in accordance with the conditions of this Article governing their adoption.

Article V provides for the establishment of a Code Authority and defines its powers and duties.

Article VI provides for an accounting system and methods of cost finding and/or estimating.

Article VII provides that no products of the Subdivision shall be sold or offered for sale below a reasonable cost when the Code Authority determines that an emergency exists.

Article VIII provides for method of setting up, revising and filing price lists and discount sheets and terms of sale and payment.

Article IX states that no provision of this Supplemental Code relating to pricing and marketing shall apply to export sales.

Article X provides for the modification of this Supplemental Code by the President. Provision is also made that modifications may be submitted by the Code Authority to the Administrator for approval.

Article XI. No provision of this Supplemental Code shall be so applied as to permit monopolies, or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

Article XII states the effective date of this Supplemental Code.

## FINDINGS

The Assistant Deputy Administrator in his final report to us on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter:

We find that:

(a) Said Supplemental Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Subdivision normally employs not more than 50,000 employees; and is not classified by us as a major industry.

(c) The Supplemental Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid Subdivision; and that said association imposes no inequitable restrictions on admission to membership therein.

(d) The Supplemental Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplemental Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplemental Code.

For these reasons, therefore, we have approved this Supplemental Code, provided that certain provisions relating to price publication are stayed as stated in the Order.

Respectfully,

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer*.

OCTOBER 11, 1934.

# SUPPLEMENTARY CODE OF FAIR COMPETITION FOR SAW MILL MACHINERY INDUSTRY

A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

## ARTICLE I—PURPOSES

To effectuate the policies of Title I of the National Industrial Recovery Act, the following provisions are established as a Supplemental Code of Fair Competition for the Saw Mill Machinery Subdivision of the Machinery and Allied Products Industry, and together with the Code of Fair Competition of Machinery and Allied Products Industry, shall be the standard of fair competition for this Subdivision, and shall be binding on every member thereof.

## ARTICLE II—DEFINITIONS

“Applicant” means the Saw Mill Machinery Manufacturers Association, a trade organization, all members of which are engaged in the manufacture for sale of the products of the Saw Mill Machinery Subdivision of the Machinery and Allied Products Industry.

“Industry” means the Machinery and Allied Products Industry, as defined in its Code of Fair Competition as approved by the President, March 17, 1934, and as such definition may from time to time be amended.

“Subdivision” means the Saw Mill Machinery Subdivision of the Machinery and Allied Products Industry as defined and set forth in paragraph 30 Article II of the Code of Fair Competition of the Machinery and Allied Products Industry as follows:

“Sawmill Machinery Subdivision” means the manufacture for sale of machinery and parts thereof for use in sawmills for converting saw logs or timbers into lumber and other timber products, and includes all those engaged in the manufacture of such machinery for sale.

“Code” means the Code of Fair Competition of the Machinery and Allied Products Industry as approved by the President, March 17, 1934, and as from time to time amended.

“Person” means a natural person, a partnership, a corporation, an association, a trust, a trustee, a trustee in bankruptcy, a receiver or other entity.

“Employer” means any person engaged in this Subdivision either on his own behalf or as an employer of labor.

“Employee” means any one who is employed in the Subdivision by any such Employer.

“The Act” means Title I of the National Industrial Recovery Act.

“The President” means the President of the United States.

“Basic Code Authority” means the Code Authority for the Machinery and Allied Products Industry as constituted by the Code.

“Code Authority” means the Code Authority constituted for this Subdivision as provided by the Code and by this Supplemental Code.

“Group Code Authority” means the Code Authority for any group or product classification within this Subdivision.

“Publish” means to make available to the public.

### ARTICLE III—EMPLOYMENT PROVISIONS

The following Articles of the Code, viz: Article III, “Working Hours”; Article IV, “Wages”; and Article V, “General Labor Provisions”, are hereby made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

### ARTICLE IV—ADOPTION OF OTHER PROVISIONS OF CODE

The following Articles of the Code, viz: Article II “Definitions” Article VI, “Administration”, to the extent that they shall be applicable to this Supplemental Code as such or as it may hereafter be administered as an autonomous Code; Article VIII, “Modifications and Termination”; and Article IX, “Withdrawal”, are hereby made a part of this Supplemental Code, with the same effect as if they were written into this Supplemental Code.

### ARTICLE V—ADMINISTRATION

(a) A Code Authority for this Subdivision is hereby constituted to administer, supervise and facilitate the enforcement of the Code and of this Supplemental Code in the manner and to the extent provided in the Code and in this Supplemental Code.

(b) During a period not to exceed sixty (60) days following the effective date and pending the election of the permanent Code Authority, the executive committee of the Applicant shall constitute a temporary Code Authority.

This Subdivision, having held an election for a permanent Code Authority under the provisions of the Code of Fair Competition for the Machinery and Allied Products Industry, the method of election having been approved, and the Code Authority having been officially recognized, the Code Authority so elected shall constitute the first permanent Code Authority for this Subdivision. For subsequent elections, the provisions of this Code for election of a permanent Code Authority shall apply.

(c) The applicant shall, by written notice mailed to all employers whose names the applicant has obtained after reasonably diligent search, call a meeting of employers to be held within sixty (60) days after the effective date for the purpose of electing a permanent Code Authority, which shall consist of not less than three (3), nor more than nine (9) members, and for the purpose of adopting procedural rules and regulations for the organization and operation of the permanent Code Authority. Such written notice shall be sent by registered mail at least fifteen (15) days prior to the time fixed for such meeting.

One of the members of the permanent Code Authority shall be elected in any fair manner, with the approval of the National Industrial Recovery Board, by employers in this Subdivision not members of the Applicant, who are cooperating in this Supplemental Code as described in Section (d) hereof, if so desired by such non-members.

Any vacancy on the Code Authority due to death, resignation, or because a member thereof has ceased to be connected with the Subdivision, shall be filled at a meeting of employers called by the Code Authority on at least fifteen days' notice by registered mail sent to all employers in this Subdivision, and by a vote similar to the vote by which the retired member was originally elected.

The National Industrial Recovery Board may, in its discretion, appoint one additional member (without vote and without expense to the Industry). The permanent Code Authority so elected and appointed shall supersede the temporary Code Authority.

(d) Any employer shall be entitled to vote, either in person or by proxy, at the election of the permanent Code Authority and at other meetings of employers and share in the benefits of the activities of Code Authority and may participate in any endeavors of Code Authority in the preparation of any amendments or revisions of, or additions or supplements to, this Supplemental Code by paying or agreeing to pay, as and when assessed, his proper pro rata share of the reasonable cost of administering this Supplemental Code as determined by Code Authority and approved by the National Industrial Recovery Board.

This pro rata share shall be computed on the basis of one share for each \$100,000 of the average annual sales billed f. o. b. plant by each employer for the preceding two calendar years as reported to Code Authority, to be computed at the beginning of each calendar year and to apply throughout the then current year. Each employer shall be obligated to pay at least one share.

(e) Action by employers in any Subdivision meeting for the election of Code Authority shall be by vote of the employers entitled to vote as provided in Section (d) of this Article V, each such employer to have one vote only. Action by employers in any Subdivision meeting for the adoption of procedural rules, revisions or additions to the Supplemental Code, or the transaction of other business of the Subdivision under this Supplemental Code, shall be by vote of the employers in the Subdivision who are entitled to vote thereat as provided in Section (d), Article V of the Supplemental Code and are present in person or by proxy duly executed and filed with Code Authority; cast and computed in the manner provided in Section (d), Article VI of the Code. All questions as to the number of votes which each employer shall be entitled to cast at any meeting of employers other than the meeting held to vote for the election of the permanent Code Authority shall be determined by Code Authority, in accordance with Section (d) Article VI of the Code.

In order that the Code Authority shall at all times be truly representative of the Subdivision and in other respects comply with the provisions of the Act, the National Industrial Recovery Board may prescribe such hearings as it may deem proper; and thereafter if it

shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Code Authority.

Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the National Industrial Recovery Board true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the National Industrial Recovery Board may deem necessary to effectuate the purposes of the Act.

(f) Employers in this Subdivision having a common interest and common problems may be grouped by Code Authority for administrative purposes. There may be a group Code Authority approved or appointed by a Code Authority for each such group.

(g) If formal complaint is made to Code Authority that provisions of this Supplemental Code have been violated by any employer, Code Authority or the proper Group Code Authority may, to the extent permitted by the Act, cause such investigation or audit to be made, as may be deemed necessary. If such investigation is made by Group Code Authority it shall report the result of such investigation or audit to Code Authority for action.

(h) The Code Authority may appoint a Trade Practice Committee which shall meet with the Trade Practice Committees appointed under such other Codes as may be related to the Subdivision for the purpose of formulating fair trade practices to govern the relationships between production and distribution employees under this Supplemental Code and under such others to the extent that such fair trade practices may be proposed to the National Industrial Recovery Board as amendments to this Supplemental Code and such other codes.

#### ARTICLE VI—ACCOUNTING AND COSTING

The Code Authority shall cause to be formulated an accounting system and methods of cost finding and/or estimating capable of use by all employers of the Subdivision. After such system and methods have been formulated, full details concerning them shall be made available to all employers. Thereafter all employers shall determine and/or estimate costs in accordance with the principles of such methods.

#### ARTICLE VII—SELLING BELOW REASONABLE COST

SECTION 1. When the Code Authority determines that an emergency exists in this Subdivision and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Supplemental Code, the Code Authority may cause to be determined the lowest reasonable cost of the products of this Subdivision, such determination to be subject to such notice and hearing as the National Industrial Recovery Board may require. The National Industrial Recovery Board may approve, disapprove, or modify the deter-

mination. Thereafter, during the period of the emergency, it shall be an unfair trade practice for any employer of the Subdivision to sell or offer to sell any products of the Subdivision for which the lowest reasonable cost has been determined at such prices or upon such terms or conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

When it appears that conditions have changed, the Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

#### ARTICLE VIII—PRICE LISTS

(a) If and when Code Authority determines that in any group of the Subdivision it has been the generally recognized practice to sell a specified product on the basis of net price lists, or price lists with discount sheets, and terms of sale and payment, each employer engaged in the manufacture of such product shall, within ten (10) days after notice of such determination, file with Code Authority a net price list, or a price list with discount sheet, as the case may be, individually prepared by him showing his current prices, or prices and discounts, and terms of sale and payment for such specified product, and Code Authority shall immediately publish and send copies thereof to all known employers who are cooperating under this Supplemental Code as described in Article V (d) and engaged in the manufacture of such specified products.

Revised price lists and/or discount sheets and/or terms of sale and payment may be filed from time to time thereafter with the Code Authority by any such employer, to become operative upon the date specified therein, but such revised price lists and/or discount sheets and/or terms of sale and payment shall be filed with the Code Authority ten (10) days in advance of the operative date. Copies thereof, with notice of the operative date specified, shall be immediately published and sent to all employers cooperating under the Supplemental Code as described in Article V (d), any of whom may file, if he so desires, revisions of his price lists and/or discount sheets and/or terms of sale and payment, which shall become effective upon the date when the revised price list and/or discount sheets and/or terms of sale and payment first filed shall go into effect.

(b) If and when Code Authority shall determine that in any group of the Subdivision not now selling its product on the basis of price lists and/or discount sheets and/or terms of sale and payment, the distribution or marketing conditions in the group are the same as, or similar to, the distribution or marketing conditions in a group where the use of price lists and/or discount sheets and/or terms of sale and payment is well recognized, and that a system of selling on net price lists or price lists and discount sheets with terms of sale and payment for such specified product should be put into effect in such group, then each employer in such group shall within twenty (20) days after notice of such determination, file with Code Authority net price lists or price lists and discount sheets, with terms of sale and payment, showing his prices and discount sheets, with terms of sale and payment, and such price lists and/or discount sheets, and/or terms of sale and payment may be thereafter revised in the manner hereinbefore provided. Such methods of pricings and revisions



thereof shall be "published and sent" as described in this Article VIII, Section (a). Provided that Code Authority shall make no determination to place any product of the Subdivision (not now on a price list basis) on a price list basis, as provided in this Section unless affirmative consent to such determination is given by a two-thirds vote of employers who are at that time cooperating under this Supplemental Code as described in Article V (d), and are engaged in manufacturing such product. The eligibility requirements, method, and effect of such voting shall be the same as is provided by Article V.

(c) If and when Code Authority shall determine that it is undesirable to continue the filing of net price lists and/or price lists with discount sheets and/or fixed terms of sale and payment on any product in respect of which such filing has theretofore been required, such filing shall cease and the provisions of this Article shall not apply to such product unless and until Code Authority shall again determine that such filing be made.

(d) Code Authority for the purpose of determining lowest reasonable cost, shall have power, on its own initiative, or on the complaint of any employer, to investigate, to the extent permitted by the Act, any price or the terms of sale and payment for any product shown in any price list and/or discount sheet so filed with Code Authority by any employer; and, for the purpose of the investigation thereof, to require such employer to furnish such information concerning the cost of manufacturing and selling such product as Code Authority shall deem necessary or proper for such purpose.

No employer shall sell directly or indirectly, by any means whatsoever, any product of the Industry covered by provisions of this Article VIII at a different price or on more favorable terms of payment, than those provided in his own current net price lists, or price lists and discount sheets.

#### ARTICLE IX—SALES FOR EXPORT

The provisions of this Supplemental Code concerning pricing and marketing shall not apply to direct export sales of any product or to sales of any product destined ultimately for export. The term "export" shall include all shipments to all places without the several States of the United States and the District of Columbia; provided, however, that no shipment to any territory or possession of the United States shall be considered an export when any employer is engaged in the subdivision in such territory or possession.

#### ARTICLE X—MODIFICATIONS

(a) As provided by Section 10 (b) of the Act, the President may from time to time cancel or modify any order, approval, license, rule or regulation issued under Title I of the Act.

(b) Any amendments, additions, revisions, or supplements of this Supplemental Code, proposed by Code Authority, and authorized by the affirmative vote of two-thirds of the employers, shall be in full force and effect upon approval by the National Industrial Recovery Board. The eligibility requirements, method and effect of such voting shall be the same as provided by Article V hereof.

## ARTICLE XI—MONOPOLIES

No provision of this Supplemental Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

## ARTICLE XII—EFFECTIVE DATE

This Supplemental Code shall become effective and binding on all persons engaged in the Subdivision on the eleventh day after its approval.

Approved Code No. 347—Supplement No. 43.  
Registry No. 1399—48.

SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

WHEEL AND RIM MANUFACTURING INDUSTRY

As Approved on October 24, 1934

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ORDER

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE WHEEL AND RIM MANUFACTURING INDUSTRY

A PRODUCT GROUP OF THE AUTOMOTIVE PARTS AND EQUIPMENT MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Wheel and Rim Manufacturing Product Group of the Automotive Parts and Equipment Manufacturing Industry, a supplemental Code to the Basic Code of the Automotive Parts and Equipment Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, The National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title I of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved; provided, however, that the provisions of Article IV, paragraph (6), insofar as they prescribe a waiting period between the filing with the Code Authority (or such agency as may be designated in the Code) and the effective date of price lists, as originally filed and/or revised price lists or revised terms and conditions of sale, be and they hereby are stayed pending its further order.

NATIONAL INDUSTRIAL RECOVERY BOARD,

By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

BARTON W. MURRAY,

*Division Administrator.*

WASHINGTON, D. C.,

*October 24, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Supplement to the Code of Fair Competition for the Automotive Parts and Equipment Manufacturing Industry covering Fair Trade Practices for the Wheel and Rim Manufacturing Product Group, a Product Group of the said Industry, was submitted to the Administration on March 16, 1934 by the Code Authority Committee of Automotive Parts and Equipment Manufacturing Industry, representing approximately 90% of the total volume of sales and 36% of the members of the Industry.

The Hearing was conducted in Washington on June 25, 1934 and the Supplement was revised July 20, 1934 and is submitted in its present form for approval. Every person who requested an appearance was properly heard in accordance with the statutory and regulatory requirements.

While the Product Group is nation-wide in character, it has not experienced any increase in the number of establishments during the past few years.

ARTICLE I states the purpose of the Supplementary Code.

ARTICLE II accurately defines specific terms employed in the Supplementary Code.

ARTICLE III establishes an Administrative Committee consisting of six (6) members selected in accordance with the voting provisions in the By-Laws of Automotive Parts and Equipment Manufacturers, Inc., and one non-voting member may be appointed by the National Industrial Recovery Board. The labor provisions of the Basic Code are adopted. It also provides machinery for obtaining statistics and the administration of this Code.

ARTICLE IV sets forth the fair trade practices of this Supplementary Code, which has been especially designed to effect fair competition in this Product Group of the Industry.

ARTICLE V provides against monopolies and monopolistic practices and provides for the submission of supplementary provisions to this Supplementary Code or modifications thereof, and contains the mandatory provisions contained in Section 10 (b) of Title I of the Act, and states the effective date of the Supplementary Code shall mean the tenth day after it has been approved.

### FINDINGS

The Deputy Administrator in his final report to the National Industrial Recovery Board on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter:

The National Industrial Recovery Board finds that:

(a) Said Supplemental Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Product Group normally employs not more than 50,000 employees; and is not classified by it as a major industry.

(c) The Supplementary Code as approved, complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof; and that the applicant Product Group is an industrial association, truly representative of the aforesaid Industry; and that said Product Group imposes no inequitable restrictions on admission to membership therein.

(d) The Supplementary Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplementary Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplementary Code.

For these reasons, therefore, the National Industrial Recovery Board has approved this Supplementary Code.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 24, 1934.

# SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE WHEEL AND RIM MANUFACTURING INDUSTRY

## A PRODUCT GROUP OF THE AUTOMOTIVE PARTS AND EQUIPMENT MANUFACTURING INDUSTRY

### ARTICLE I—PURPOSES

Pursuant to the provisions of Article II of the Code of Fair Competition for the Automotive Parts and Equipment Manufacturing Industry, duly approved by the President on November 8, 1933, the following provisions covering fair trade practices and the administration thereof are hereby established as the standards of Fair Competition for the Wheel and Rim Manufacturing Product Group, which has been organized as an administrative unit under the Original Equipment and Replacement Parts Divisions of the Automotive Parts and Equipment Manufacturing Industry, and shall be binding upon every member of said Product Group.

### ARTICLE II—DEFINITIONS

The term "Product Group" as used herein is defined to mean the production, manufacture, and/or assembly of wheels (demountable or otherwise), rims of all types, rim attaching parts, hub and drum assemblies, hubs, brake drums, hub attaching parts and/or their component parts, but not including bolts and nuts for motor vehicles (automobiles, including passenger cars, trucks, truck tractors, busses, taxicabs, hearses, ambulances, motorcycles, fire apparatus, tractors and other commercial vehicles), excepting, however, the production and/or manufacture of such products when produced or manufactured by a manufacturer for use exclusively in his own finished product.

"Member"—The term "Member" or "Member of the Product Group" as used herein includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the production, manufacture, and/or assembly, or the sale as a manufacturer, of the products of the Product Group (hereinafter termed Products), either as an employer or on his or its own behalf.

The term "Class 'A' Products" as used herein is defined to mean the products of the Product Group which are sold to manufacturers of motor vehicles for original equipment.

The term "Class 'B' Products" as used herein is defined to mean the products of the Product Group sold to customers other than buyers of original equipment.

The term "Group" as used herein is defined to mean the Wheel and Rim Manufacturing Group, a Product Group at present having its headquarters' office in Detroit, Michigan.

The term "Basic Code" as used herein is defined to mean the Code of Fair Competition for the Automotive Parts and Equipment Manufacturing Industry, as approved by the President on November 8, 1933, and as amended.

The term "Code Authority" as used herein is defined to mean the Code Authority designated in the Code of Fair Competition for the Automotive Parts and Equipment Manufacturing Industry.

### ARTICLE III—ADMINISTRATION

(1) (a) The Administrative Committee of the Group shall consist of six (6) members selected in accordance with the voting provisions provided in the By-Laws of Automotive Parts and Equipment Manufacturers, Incorporated. Not more than one (1) member of a firm or its affiliate or subsidiary shall be elected to serve on the Administrative Committee at the same time.

(b) In addition to the membership as above provided, there may be one additional member, without vote, to be appointed by the National Industrial Recovery Board, to serve without expense to the Product Group for such term as he may specify.

(c) The Administrative Committee shall be elected at the Annual Meeting of the Group. The First Annual Meeting of the Group was held at Chicago, Illinois, February 1, 1934, and shall be held annually, thereafter, in the month of January at such place and time as shall be determined by the Administrative Committee.

(d) Immediately following the Annual Meeting the Administrative Committee shall meet and elect a chairman, a vice-chairman, and a secretary from among their duly elected members.

(e) The Chairman of the Administrative Committee shall have the power to call meetings of the Committee and shall be required to do so on the written request of two members of the Committee and within ten days from receipt of such requests.

(f) The Administrative Committee shall have the power to call such meetings of the Group as in their judgment are required and shall be required to call such Group meetings within two weeks of receipt of written request for such meetings from five (5) members of the Group who have qualified as outlined in Article III, paragraph 3 (b).

(2) The Administrative Committee of the Group is hereby designated to assist the Code Authority and the National Industrial Recovery Board in the administration of the fair trade practice provisions hereinafter set forth and the provisions of the Basic Code, to which these fair trade practices are a supplement.

(3) (a) It being found necessary, in order to support the administration of this supplement and to maintain the standards of fair competition established hereunder to effectuate the policy of the Act, the Administrative Committee is authorized, subject to the approval of the National Industrial Recovery Board:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the supplement:

(2) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it

may deem necessary (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Product Group;

(3) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Product Group, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Product Group shall pay his or its equitable contribution to the expenses of the maintenance of the Administrative Committee, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of this Product Group complying with the supplement and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contributions,) shall be entitled to participate in the selection of members of the Administrative Committee or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Administrative Committee shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget; and shall in no event exceed the total amount contained in the approved budget except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

(4) (a) The Administrative Committee shall, subject to the disapproval of the Code Authority and the National Industrial Recovery Board, have the power to adopt by-laws and rules and regulations for its procedure and to obtain from members, directly or through an impartial agency, such information and reports as are required for the administration and enforcement of this supplement; to cooperate with the National Industrial Recovery Board under such rules and regulations as may be prescribed by it in regulating the use of any N. R. A. insignia, and in hearing and adjusting complaints; to initiate, consider, and recommend to the Code Authority for transmittal to the National Industrial Recovery Board further fair trade practice provisions to govern the members of this Product Group; and to discharge the other powers and duties provided in this supplement.

(b) If the National Industrial Recovery Board shall determine that any action of the Code Authority and/or the Administrative Committee or any agency thereof may be unfair or unjust or contrary to the public interest, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority and/or the Administrative Committee or agency pending final action which shall not be effective unless the National Industrial Recovery Board approves or unless



it shall fail to disapprove after thirty days' notice to it of intention to proceed with such action in its original or modified form.

(c) Each trade or industrial association directly or indirectly participating in the selection or activities of the Administrative Committee shall (1) impose no inequitable restrictions on membership, and (2) submit to the National Industrial Recovery Board true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the National Industrial Board may deem necessary to effectuate the purposes of the Act.

(d) In order that the Administrative Committee shall at all times be truly representative of the Product Group and in other respects comply with the provisions of the Act, the National Industrial Recovery Board may prescribe such hearings as it may deem proper; and thereafter if it shall find that the Administrative Committee is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Administrative Committee.

(5) All members of this Product Group shall be bound by the provisions of the Basic Code. For this purpose, the wage and hour provisions of the Basic Code are hereby declared to be a part of this supplement. In case of any conflict between the provisions of this supplement and the provisions of the Basic Code, the provisions of the latter shall govern. As required by Section 7 (a) of Title I of the Act, the following provisions are contained in this supplement: Every code of fair competition, agreement, and license approved, prescribed, or issued under this title shall contain the following conditions: (1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

(6) The Administrative Committee shall cause to be formulated methods of cost finding and accounting capable of use by all members of the Product Group, and shall submit such methods to the National Industrial Recovery Board for review. If approved by the National Industrial Recovery Board, full information concerning such methods shall be made available to all members of the Product Group. Thereafter, each member of the Product Group shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Administrative Committee, any agent thereof, or any member of the Product Group to suggest uniform additions, percentages or differentials or other uniform items

of cost which are designed to bring arbitrary uniformity of costs or prices.

(7) The Administrative Committee shall be empowered to obtain from members of the industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the industry subject to this Code shall furnish such statistical information as the National Industrial Recovery Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as it may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the industry or any other party except to such other Governmental agencies as may be directed by the National Industrial Recovery Board.

#### ARTICLE IV—TRADE PRACTICES

In addition to the provisions of Section C of Article VI of the Basic Code, the following described acts shall constitute unfair practices:

(1) *Costs and Price Cutting.*—(a) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the product Group or of any other industry or the customers of either may at any time complain to the Administrative Committee that any filed and/or offered price constitutes unfair competition as destructive price cutting, imperiling small enterprises or tending toward monopoly or the impairment of code wages and working conditions. The Administrative Committee shall within 5 days afford an opportunity to the member filing and/or offering the price to answer such complaint and shall within 14 days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of N. R. A. which shall render a report and recommendation thereon to the National Industrial Recovery Board.

(b) When no declared emergency exists as to any given product, there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.

(c) When an emergency exists as to any given product sale below the stated minimum price of such product, in violation of the provisions of paragraph (c) hereof, is forbidden.

(d) If the National Industrial Recovery Board, after investigation shall at any time find both (1) that an emergency has arisen within the Product Group adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product of the Product Group for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Administrative Committee may cause an impartial agency to investigate costs and to recommend to

the National Industrial Recovery Board a determination of the stated minimum price of the product affected by the emergency and thereupon the National Industrial Recovery Board may proceed to determine such stated minimum price.

(c) When the National Industrial Recovery Board shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, it shall publish such price. Thereafter, during such stated period, no member of the Product Group shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Administrative Committee may recommend review or reconsideration or the National Industrial Recovery Board may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

(2) *Tools.*—To sell the products of this Product Group without requiring the customer to pay the cost of any or all tools, patterns, dies, or jigs and/or fixtures which it may be necessary to build for the purpose of producing the particular part and/or equipment. Said tools shall be paid for under one of the following conditions for Class "A" material:

(a) In cash upon the placing of the order, or upon completion of the tools.

(b) In partial payments, distributed over a period of not more than ten months.

(c) By an amount added to the cost of each unit of production which shall equal the total cost of said tools, divided by the total number of similar or approximately similar parts used by the purchaser or purchasers over the ten months' period immediately preceding the placing of the order or estimated to be used during the next ten months' period. In such event, the tool cost shall be prorated in the selling price, or billed separately, and any balance remaining unpaid at the completion of the order, or at the discontinuance of the model as current production, shall be immediately due and payable in cash.

(d) By prorating the purchase price of said tools over the actual quantity covered by a purchase order; any unpaid balance to become due as in paragraph (c) above.

(3) *Price guaranty.*—To sell or offer for sale the products of this Group under any form of price guaranty to a purchaser or prospective purchaser against either advance or decline in the price of said products, excepting a guaranty based on the cost of raw materials and labor, said price to be adjusted at least quarterly, based on a calendar year, in an amount equal to the increase or decrease in the cost of raw materials and labor used in the production of said products.

(4) *Inaccurate advertising.*—To publish advertising (whether printed, radio, display, or of any other nature), which is misleading or inaccurate in any material particular, or in any material way to misrepresent any product (including, but without limitation its use, trade-mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted.

(5) *Coercion*.—To require that the purchase of any goods or products be a prerequisite to the purchase of any goods or products.

(6) *Open price filing*.—(a) Each member of the Product Group shall file with a confidential and disinterested agent of the Administrative Committee or, if none, then with such an agent designated by the National Industrial Recovery Board, identified lists of all of its prices, discounts, rebates, allowances, and all other terms or conditions of sale for Class "B" products, hereinafter in this Section (6) referred to as "price terms," which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Such lists shall contain the price terms for all such standard products of the Product Group as are sold or offered for sale by said member and for such non-standard products of said member as shall be designated by the Administrative Committee. Said price terms shall in the first instance be filed within 15 days after the date of approval of this provision. Price terms and revised price terms shall become effective ten (10) days after receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members selling Class "B" products and to all their customers who have applied therefor and have offered to defray the cost actually incurred by the Administrative Committee in the preparation and distribution thereof and be available for inspection by any of their customers at the office of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members selling Class "B" products and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the expiration of the aforesaid 15-day period after the approval of this supplement. The Administrative Committee shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the National Industrial Recovery Board. Upon request the Administrative Committee shall furnish to the National Industrial Recovery Board or any duly designated agent of the National Industrial Recovery Board copies of any such lists or revisions of price terms.

(b) When any member of the Product Group has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

(c) No member of the Product Group shall sell or offer to sell any product of the Product Group for which price terms have been filed pursuant to the provisions of this Section (6), except in accordance with such price terms; and provided further that in case a member desires to meet lower competitive price terms which have been filed in accordance with the provisions of paragraph (a) hereof, said member shall immediately file new price terms with the Administrative Committee and these new price terms shall become effective on the same date as the competitive price terms first filed.

(d) No member of the Product Group shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the Product

Group to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this Section (6) to create.<sup>1</sup>

(7) *Cancellation of orders.*—To accept cancellation of Class "A" products of this Product Group definitely ordered and/or specified and/or released by the purchaser without:

(a) Payment at full contract price for any part and/or equipment finished prior to and including the date of receipt of notice of cancellation.

(b) Payment of commitment charges covering the cost of raw material purchased for said parts and/or equipment, and any labor and burden involved in the processing of any partially completed parts and/or equipment.

(8) *Defective material.*—To allow credit or accept the return of any defective article until the fact of such defect shall have been established by authorized representative of the member.

(9) *Return of Obsolete and/or Unsalable Products.*—The Administrative Committee shall immediately proceed to formulate rules and regulations covering the return of obsolete or unsalable products and present same for the approval of the Product Group, the Code Authority, and the National Industrial Recovery Board within thirty days from the effective date. Upon the approval of such rules and regulations by the National Industrial Recovery Board after such hearing as it may require, no products shall be accepted for return except in accordance with the provisions thereof.

(10) *Branch and Warehouse Stocks.*—To make sales from warehouse stocks other than from premises owned and/or leased by a member unless the following provisions prevail:

(a) After the effective date of this supplement no member shall warehouse products with any customer or on premises owned or controlled, in whole or in part, by any customer; provided that nothing herein contained shall prohibit the warehousing of stocks in a duly established public warehouse whether or not any customer has an interest therein.

(b) Such members to conduct their own sales through their own representatives, do their own billing and make their own collections.

(c) Such members to make a reasonable service charge for service rendered. No such charge is to be made on sales from branch or warehouse stocks located in the same city or trading area as a competitor factory.

(11) *Consignment, Floating Credit, or Ledger Balances.*—To place group products with any trade outlet on a consignment basis or on a floating credit or ledger balance basis.

This clause shall apply to Class "A" products and to Class "B" products except in such cases as may be designated by the Administrative Committee, subject to the disapproval of the Code Authority and the National Industrial Recovery Board.

(12) *Export.*—The provisions of this supplement with regard to prices, discounts, deductions, allowances, extras, or methods and/or terms of sale apply to direct export sales and to sales in course of export (i. e., sales destined ultimately for export), and to sales of

<sup>1</sup> See paragraph 2 of order approving this Code.

materials used in the manufacture of products for export, except as may otherwise be provided by the Administrative Committee, subject to the approval of the National Industrial Recovery Board.

#### ARTICLE V—GENERAL

(1) No provision of this supplement shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

(2) Such of the provisions of this supplement as are not required to be included herein by the Act may, with the approval of the National Industrial Recovery Board, be modified or eliminated on the proposal by the Product Group or any member thereof if it appear that the public needs are not being served thereby and as changes in circumstances or experience may indicate.

(3) It is contemplated that from time to time supplementary provisions to this supplement or modifications thereof will, after approval by the Product Group, be submitted by the Administrative Committee through the Code Authority for their approval to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the purposes of the Act. Upon approval by the National Industrial Recovery Board after such notice and hearing as it may prescribe, such supplementary provisions or modifications shall become binding as a part of this supplement.

(4) As required by Section 10 (b) of Title I of the Act, the following provision is contained in this supplement: The President may from time to time cancel or modify any order, approval, license, rule, or regulation issued under said Title.

(5) By assenting to this Supplemental Code no member of this Product Group shall be held to have waived any of his constitutional rights.

(6) Violation by any member of this Product Group of any provision of this supplement is an act of unfair competition, and the offender shall be subject to the penalties imposed by the Act.

(7) The "Effective Date" of this supplement shall be the tenth day after it shall have been approved by the President.

Approved Code No. 105—Supplement No. 4.  
Registry No. 1404-46.

Approved Code No. 105—Supplement No. 5

**SUPPLEMENTARY CODE OF FAIR COMPETITION**  
**FOR THE**  
**CARBURETOR MANUFACTURING INDUSTRY**

**As Approved on October 24, 1934**

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**ORDER**

**SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CARBURETOR  
MANUFACTURING INDUSTRY**

**A PRODUCT GROUP OF THE AUTOMOTIVE PARTS AND EQUIPMENT MANUFACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Carburetor Manufacturing Product Group of the Automotive Parts and Equipment Manufacturing Industry, a supplemental Code to the Basic Code of the Automotive Parts and Equipment Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise; does hereby incorporate by reference said annexed report and does find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and does hereby order that said Code of Fair Competition be and it is hereby approved.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator*.

WASHINGTON, D. C.,  
*October 24, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Supplement to the Code of Fair Competition for the Automotive Parts and Equipment Manufacturing Industry covering Fair Trade Practices for the Carburetor Manufacturing Product Group, a Product Group of the said Industry, was submitted to the Administration on March 20, 1934, by the Code Authority Committee of Automotive Parts and Equipment Manufacturing Industry, representing approximately 90% of the total volume of sales and members of the Industry.

The Hearing was conducted in Washington on June 26, 1934 and the Supplement was revised July 20, 1934 and is submitted in its present form for approval. Every person who requested an appearance was properly heard in accordance with the statutory and regulatory requirements.

While the Product Group is nation-wide in character, it has not experienced any increase in the number of establishments during the past few years.

Article I states the purpose of the Supplementary Code.

Article II accurately defines specific terms employed in the Supplementary Code.

Article III establishes an Administrative Committee consisting of three Class "A" Members elected by the Class "A" Members in accordance with the voting provisions provided in the By-Laws of Automotive Parts and Equipment Manufacturers, Inc., and three Class "B" Members elected by the Class "B" Members in accordance with the voting provisions provided in the By-Laws of Automotive Parts and Equipment Manufacturers, Inc., the Secretary of the Code Authority Committee of Automotive Parts and Equipment Manufacturers Inc., who shall be Chairman of the Administrative Committee with vote, and one non-voting member, to be appointed by the National Industrial Recovery Board. It also provides for the adoption of the labor provisions of the Basic Code and provides machinery for obtaining statistics and the administration of this Code.

Article IV sets forth the fair trade practices of this Supplementary Code, which has been especially designed to effect fair competition in this Product Group of the Industry.

Article V provides against monopolies and monopolistic practices and provides for the submission of supplementary provisions to this Supplementary Code or modifications thereof, and contains the mandatory provisions contained in Section 10 (b) of Title I of the Act and states the effective date of the Supplementary Code shall mean the tenth day after it has been approved.



## FINDINGS

The Deputy Administrator in his final report to us on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter;

We find that:

(a) Said Supplemental Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Product Group normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Supplementing Code as approved, complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof; and that the applicant Product Group is an industrial association, truly representative of the aforesaid Industry; and that said Product Group imposes no inequitable restrictions on admission to membership therein.

(d) The Supplementary Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplementary Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplementary Code.

For these reasons therefore, the National Industrial Recovery Board has approved this Supplementary Code.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 24, 1934.

# SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE CARBURETOR MANUFACTURING INDUSTRY

## A PRODUCT GROUP OF THE AUTOMOTIVE PARTS AND EQUIPMENT MANUFACTURING INDUSTRY

### ARTICLE I—PURPOSE

Pursuant to the provisions of Article II of the Code of Fair Competition for the Automotive Parts and Equipment Manufacturing Industry, duly approved by the President on November 8, 1933, the following provisions covering fair trade practices and the administration thereof are hereby established as the standards of Fair Competition for the Carburetor Manufacturing Product Group, which has been organized as an administrative unit under the Original Equipment and Replacement Parts Divisions of the Automotive Parts and Equipment Manufacturing Industry, and shall be binding upon every member of said Product Group.

### ARTICLE II—DEFINITIONS

The term "Product Group" as used herein is defined to mean the production and/or manufacture of carburetors including attachments which purposely affect the operation of the carburetor and/or component parts for original equipment and/or replacements on motor vehicles or any other vehicle or product, excepting, however, the production and/or manufacture of such products when produced or manufactured by a manufacturer for use exclusively in his own finished product.

The term "Member" or "Member of the Product Group" as used herein includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the production and/or manufacture and/or the sale as a manufacturer of the products of the Product Group (hereinafter termed "Products") either as an employer or on his or its own behalf.

The term "Class 'A' Members" as used herein is defined to mean members of the Product Group whose products are sold to manufacturers of motor vehicles or any other vehicle or product for original equipment and for service requirements thereon.

The term "Class 'B' Members" as used herein is defined to mean members of the Product Group whose products are sold to customers other than buyers of original equipment for replacement of original equipment or parts thereof or as accessories for motor vehicles or any other vehicle or product.

The term "Group" as used herein is defined to mean the Carburetor Manufacturing Group, a "Product Group" at present having its headquarters' office in Detroit, Michigan.

The term "Basic Code" as used herein is defined to mean the Code of Fair Competition for the Automotive Parts and Equipment Manufacturing Industry, as approved by the President on November 8, 1933, and as amended.

The term "Code Authority" as used herein is defined to mean the Code Authority designated in the Code of Fair Competition for the Automotive Parts and Equipment Manufacturing Industry.

### ARTICLE III—ADMINISTRATION

(1) The Administrative Committee of the Group shall consist of:

(a) Three Class "A" Members elected by the Class "A" Members in accordance with the voting provisions provided in the By-Laws of Automotive Parts and Equipment Manufacturers, Inc., and

(b) Three Class "B" Members elected by the Class "B" Members in accordance with the voting provisions provided in the By-Laws of Automotive Parts and Equipment Manufacturers, Inc., and

(c) The Secretary of the Code Authority Committee of Automotive Parts and Equipment Manufacturers Inc., who shall be Chairman of the Administrative Committee with vote.

(d) In addition to the membership as above provided, there may be one additional member, without vote, to be appointed by the National Industrial Recovery Board, to serve without expense to the Product Group for such term as he may specify.

(e) Providing further that no member shall be represented in more than one group.

The Administrative Committee shall be elected at the annual meeting of the Group.

The first annual meeting of the Group was held at Detroit, Michigan, February 8, 1934, and shall be held annually thereafter on the first Thursday in December.

The Chairman of the Administrative Committee shall have the power to call meetings of the Committee and shall be required to do so on the written request of three members of the Committee and within ten days from receipt of such requests.

The Administrative Committee shall have the power to call such meetings of the Group as in their judgment are required and shall be required to call such Group meetings within two weeks of receipt of written request for such meetings from five (5) members of the Group who have qualified as outlined in Article III, paragraph 3 (b).

(2) The Administrative Committee is hereby designated to assist the Code Authority and the National Industrial Recovery Board in the administration of the fair trade practice provisions hereinafter set forth and the provisions of the Basic Code, to which these fair trade practices are a supplement.

(3) (a) It being found necessary, in order to support the administration of this Supplement and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Administrative Committee is authorized, subject to the approval of the National Industrial Recovery Board:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the supplement;

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Product Group;

(3) After such budget and basis of contributions have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the Product Group, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(b) Each member of the Product Group shall pay his or its equitable contribution to the expenses of the maintenance of the Administrative Committee, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Product Group complying with the Supplement and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contributions,) shall be entitled to participate in the selection of members of the Administrative Committee or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Administrative Committee shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget; and shall in no event exceed the total amount contained in the approved budget except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

(4) (a) The Administrative Committee shall, subject to the disapproval of the Code Authority and the National Industrial Recovery Board, have the power to adopt by-laws and rules and regulations for its procedure and to obtain from members, directly or through an impartial agency, such information and reports as are required for the administration and enforcement of this supplement; to cooperate with the National Industrial Recovery Board under rules and regulations as may be prescribed by it in regulating the use of any N. R. A. insignia, and in hearing and adjusting complaints; to initiate, consider, and recommend to the Code Authority for transmittal to the National Industrial Recovery Board further fair trade practice provisions to govern the members of this Product Group; and to discharge the other powers and duties provided in this supplement.

(b) If the National Industrial Recovery Board shall determine that any action of the Code Authority and/or the Administrative Committee or any agency thereof may be unfair or unjust or contrary to the public interest, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority and/or the Administrative Committee or agency pending final action which shall not be effective unless the National Industrial Recovery Board approves or unless

it shall fail to disapprove after thirty days' notice to it of intention to proceed with such action in its original or modified form.

(c) Each trade or industrial association directly or indirectly participating in the selection or activities of the Administrative Committee shall (1) impose no inequitable restrictions on membership, and (2) submit to the National Industrial Recovery Board true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the National Industrial Recovery Board may deem necessary to effectuate the purposes of the Act.

(d) In order that the Administrative Committee shall at all times be truly representative of the Product Group and in other respects comply with the provisions of the Act, the National Industrial Recovery Board may prescribe such hearings as it may deem proper; and thereafter if it shall find that the Administrative Committee is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Administrative Committee.

(5) All members of this Product Group shall be bound by the provisions of the Basic Code. For this purpose, the wage and hour provisions of the Basic Code are hereby declared to be a part of this supplement. In case of any conflict between the provisions of this supplement and the provisions of the Basic Code, the provisions of the latter shall govern. As required by Section 7 (a) of Title I of the Act, the following provision is contained in this supplement:

Every code of fair competition, agreement, and license approved, prescribed, or issued under this title shall contain the following conditions: (1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

(6) The Administrative Committee shall cause to be formulated methods of cost finding and accounting capable of use by all members of the Product Group, and shall submit such methods to the National Industrial Recovery Board for review. If approved by the National Industrial Recovery Board, full information concerning such methods shall be made available to all members of the Product Group. Thereafter, each member of the Product Group shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Administrative Committee, any agent thereof, or any member of the Product Group to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

(7) The Administrative Committee shall be empowered to obtain from members of the industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the industry subject to this Code shall furnish such statistical information as the National Industrial Recovery Board may deem necessary for the purposes recited in Section 8 (a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the industry or any other party except to such other Governmental agencies as may be directed by the National Industrial Recovery Board.

#### ARTICLE IV—TRADE PRACTICES

In addition to the provisions of Section C of Article VI of the Basic Code, the following described acts shall constitute unfair practices:

(1) *Costs and Price Cutting.*—(a) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the Product Group or of any other industry or the customers of either may at any time complain to the Administrative Committee that any filed and/or offered price constitutes unfair competition as destructive price cutting, imperiling small enterprises or tending toward monopoly or the impairment of code wages and working conditions. The Administrative Committee shall within 5 days afford an opportunity to the member filing and/or offering the price to answer such complaint and shall within 14 days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of N. R. A. which shall render a report and recommendation thereon to the National Industrial Recovery Board.

(b) When no declared emergency exists as to any given product, there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given costs in the determination of pricing policies.

(c) When an emergency exists as to any given product, sale below the stated minimum price of such product, in violation of the provisions of paragraph (e) hereof, is forbidden.

(d) If the National Industrial Recovery Board, after investigation shall at any time find both (1) that an emergency has arisen within the Product Group adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product of the Product Group for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Administrative Committee may cause an impartial agency to investigate costs and to recommend to the National Industrial Recovery Board a determination of the stated minimum price of the product affected by the emergency and there-

upon the National Industrial Recovery Board may proceed to determine such stated minimum price.

(e) When the National Industrial Recovery Board shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, he shall publish such price. Thereafter, during such stated period, no member of the Product Group shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Administrative Committee may recommend review or reconsideration or the National Industrial Recovery Board may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

(2) *Inaccurate Labeling.*—To list, brand, mark, number or pack any products of the Product Group in any manner which is intended to or does deceive or mislead purchasers in some material particular, or the failure to brand such products for the purpose or with the effect of misleading or deceiving purchasers in some material particular with respect to such products (including, but without limitation, their brand, grade, quality, quantity, origin, size, substance, character, nature, finish, material content, or preparation).

(3) *Imitation of Trade-Marks.*—To imitate or copy or use a competitor's trade-mark, marking, trade name, or part number with the purpose or effect of misleading or deceiving any purchaser or prospective purchaser.

(4) *Inaccurate Advertising.*—To publish advertising (whether printed, radio, display, or of any other nature) which is misleading or inaccurate in any material particular, or in any material way to misrepresent any product (including, but without limitation, its use, trade-mark, grade, quality, quantity, origin, size, substance, character, nature, finish, material content, or preparation), or credit terms, values, policies, services, or the nature or form of the business conducted.

(5) *Price Guaranty.*—(a) To guarantee Product Group products against advance in price for a period greater than 60 days. (b) To guarantee Product Group products against decline in price. (c) Clauses "a" and "b" shall not apply to original equipment contracts, or to existing after-market contracts made prior to December 1, 1933, which by their terms, cannot be terminated, copies of such contracts to be filed with the Administrative Committee.

(6) *Coercion.*—To require that the purchase of any goods or products be a prerequisite to the purchase of any goods or products.

(7) *Design Piracy.*—The Administrative Committee shall proceed immediately to prepare rules and regulations to prevent the piracy of the design of the products of this Product Group. After such rules and regulations have been approved by the National Industrial Recovery Board after such notice and hearing as he may prescribe same shall be binding upon all members of this Product Group.

(8) *Export.*—The provisions of this supplement are not to apply to direct export sales and to sales in course of export (i. e., sales destined ultimately for export) and to sales of materials used in the manufacture of products for export.

## ARTICLE V—GENERAL

(1) No provision of this supplement shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

(2) Such of the provisions of this supplement as are not required to be included herein by the Act, may, with the approval of the National Industrial Recovery Board, be modified or eliminated on the proposal by the Product Group or any member thereof if it appear that the public needs are not being served thereby and as changes in circumstances or experience may indicate.

(3) It is contemplated that from time to time supplementary provisions to this supplement or modifications thereof will, after approval by the Product Group, be submitted by the Administrative Committee through the Code Authority for their approval to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the purposes of the Act. Upon approval by the National Industrial Recovery Board after such notice and hearing as it may prescribe, such supplementary provisions or modifications shall become binding as a part of this supplement.

(4) As required by Section 10 (b) of Title I of the Act, the following provision is contained in this supplement: The President may from time to time cancel or modify any order, approval, license, rule, or regulation issued under said Title.

(5) By assenting to this Supplemental Code no member of this Product Group shall be held to have waived any of his constitutional rights.

(6) Violation by any member of this Product Group of any provision of this supplement is an act of unfair competition, and the offender shall be subject to the penalties imposed by the Act.

(7) The "Effective Date" of this supplement shall be the 10th day after it shall have been approved by the President.

Approved Code No. 105—Supplement No. 5.  
Registry No. 1404-49.



Approved Code No. 105—Supplement No. 6

**SUPPLEMENTARY CODE OF FAIR COMPETITION**

FOR THE

**OIL FILTER MANUFACTURING INDUSTRY**

As Approved on October 26, 1934

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**ORDER**

**SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE OIL FILTER  
MANUFACTURING INDUSTRY**

**A PRODUCT GROUP OF THE AUTOMOTIVE PARTS AND EQUIPMENT MANU-  
FACTURING INDUSTRY**

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Oil Filter Manufacturing Product Group of the Automotive Parts and Equipment Manufacturing Industry, a supplemental Code to the Basic Code of the Automotive Parts and Equipment Manufacturing Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859 and otherwise; does hereby incorporate by reference said annexed report and does find that said Code complies in all respects with the pertinent provisions and will promote the policies and purposes of said Title of said Act; and does hereby order that said Code of Fair Competition be and it is hereby approved, provided, however, that the provisions of Article IV, paragraph (8), entitled Special Brands, be and they hereby are stayed pending its further order.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 26, 1934.*

## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: The Supplement to the Code of Fair Competition for the Automotive Parts and Manufacturing Industry covering Fair Trade Practices for the Oil Filter Manufacturing Product Group, a Product Group of the said Industry, was submitted to the Administration on March 22, 1934, by the Code Authority Committee of Automotive Parts and Equipment Manufacturing Industry, representing approximately 90% of the total volume of sales and 50% of the members of the Industry.

The Hearing was conducted in Washington on June 25, 1934, and the Supplement was revised July 20, 1934, and is submitted in its present form for approval. Every person who requested an appearance was properly heard in accordance with the statutory and regulatory requirements.

While the Product Group is nation-wide in character, it has not experienced any increase in the number of establishments during the past few years.

ARTICLE I states the purpose of the Supplementary Code.

ARTICLE II accurately defines specific terms employed in the Supplementary Code.

ARTICLE III establishes an Administrative Committee consisting of five (5) members elected in accordance with the voting provisions provided in the By-Laws of Automotive Parts and Equipment Manufacturers, Inc., and one nonvoting member, to be appointed by the National Industrial Recovery Board. The wage and hour provisions of the Basic Code are adopted. It also provides machinery for obtaining statistics and the administration of the Code.

ARTICLE IV sets forth the fair trade practices of this Supplementary Code, which has been especially designed to effect fair competition in this Product Group of the Industry.

ARTICLE V provides against monopolies and monopolistic practices and provides for the submission of supplementary provisions to this Supplementary Code or modifications thereof, and contains the mandatory provisions contained in Section 10 (b) of Title I of the Act, and states the effective date of the Supplementary Code shall mean the tenth day after it has been approved.

### FINDINGS

The Deputy Administrator in his final report to the National Industrial Recovery Board on said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter:  
The National Industrial Recovery Board finds that:

(a) Said Supplemental Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said Product Group normally employs not more than 50,000 employees; and is not classified by the National Industrial Recovery Board as a major industry.

(c) The Supplementary Code as approved, complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant Product Group is an industrial association, truly representative of the aforesaid Industry; and that said Product Group imposes no inequitable restrictions on admission to membership therein.

(d) The Supplementary Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Supplementary Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Supplementary Code.

For these reasons, therefore, the National Industrial Recovery Board has approved this Supplementary Code.

For the National Industrial Recovery Board:

G. A. LYNCH,  
*Administrative Officer.*

OCTOBER 26, 1934.

# SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE OIL FILTER MANUFACTURING INDUSTRY

(A PRODUCT GROUP OF THE AUTOMOTIVE PARTS AND EQUIPMENT  
MANUFACTURING INDUSTRY)

## ARTICLE I—PURPOSE

Pursuant to the provisions of Article II of the Code of Fair Competition for the Automotive Parts and Equipment Manufacturing Industry, duly approved by the President on November 8, 1933, the following provisions covering fair trade practices and the administration thereof are hereby established as the standards of Fair Competition for the Oil Filter Manufacturing Product Group, which has been organized as an administrative unit under the Original Equipment and Replacement Parts Divisions of the Automotive Parts and Equipment Manufacturing Industry, and shall be binding upon every member of said Product Group.

## ARTICLE II—DEFINITIONS

The term "Product Group" as used herein is defined to mean the production and/or manufacture, assembly, importation, reconditioning and/or rebuilding for sale of lubricating oil filters, excepting, however, the production and/or manufacture of such products when produced or manufactured by a manufacturer for use exclusively in his own finished product.

The term "Member" or "Member of the Product Group" as used herein includes, but without limitation, any individual, partnership, association, corporation, or other form of enterprise engaged in the production and/or manufacture, assembly, importation, reconditioning and/or rebuilding for sale or the sale as a manufacturer, of the products of the Product Group (hereinafter termed "Products"), either as an employer or on his or its own behalf.

The term "Group" is defined to mean the Oil Filter Manufacturing Group, a "Product Group", as herein defined, at present having its headquarters' office in Detroit, Michigan.

The term "Basic Code" as used herein is defined to mean the Code of Fair Competition for the Automotive Parts and Equipment Manufacturing Industry, as approved by the President on November 8, 1933, and as amended.

The term "Code Authority" as used herein is defined to mean the Code Authority designated in the Code of Fair Competition for the Automotive Parts and Equipment Manufacturing Industry.

## ARTICLE III—ADMINISTRATION

(1) (a) The Administrative Committee of the Group shall consist of Five (5) members elected in accordance with the voting provisions provided in the By-Laws of Automotive Parts and Equipment Manufacturers, Inc.

(b) In addition to the membership as above provided, there may be one additional member, without vote, to be appointed by the National Industrial Recovery Board, to serve without expense to the Product Group for such term as he may specify.

Not more than one (1) representative of a member of its affiliate or subsidiary shall be elected to serve on the Administrative Committee at the same time.

The Administrative Committee shall be elected at the Annual Meeting of the Group. The first Annual Meeting of the Group was held at Detroit, Michigan, February 22, 1934, and shall be held annually thereafter in the month of January at such place and time as shall be determined by the Administrative Committee.

Immediately following the annual meeting the Administrative Committee shall meet and elect a chairman, a vice chairman, and a secretary from among their duly elected members.

The Chairman of the Administrative Committee shall have the power to call meetings of the Committee and shall be required to do so on the written request of two members of the Committee and within ten days from receipt of such requests.

The Administrative Committee shall have the power to call such meetings of the Group as in their judgment are required and shall be required to call such Group meetings within two weeks of receipt of written request for such meetings from five (5) members of the Group who have qualified as outlined in Article III, paragraph 3 (b).

(2) The Administrative Committee of the Group is hereby designated to assist the Code Authority and the National Industrial Recovery Board in the administration of the fair trade practice provisions hereinafter set forth and the provisions of the Basic Code, to which these fair trade practices are a supplement.

(3) (a) It being found necessary, in order to support the administration of this Supplement and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Administrative Committee is authorized, subject to the approval of the National Industrial Recovery Board:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Supplement;

(2) To submit to the National Industrial Recovery Board for approval, subject to such notice and opportunity to be heard as they may deem necessary, (a) an itemized budget of its estimated expenses for the foregoing purposes, and (b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Product Group;

(3) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine

and obtain equitable contribution as above set forth by all members of the Product Group, and to that end, if necessary, to institute legal proceedings therefore in its own name.

(b) Each member of the Product Group shall pay his or its equitable contribution to the expenses of the maintenance of the Administrative Committee, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of this Product Group complying with the Supplement and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Administrative Committee or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(c) The Administrative Committee shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

(4) (a) The Administrative Committee shall, subject to the disapproval of or modification by the Code Authority and the National Industrial Recovery Board, have the power to adopt by-laws and rules and regulations for its procedure and to obtain from members, through an impartial agency, such information and reports as are required for the administration and enforcement of this Supplement; to cooperate with the National Industrial Recovery Board under such rules and regulations as may be prescribed by them in regulating the use of any N. R. A. insignia and in hearing and adjusting complaints; and to initiate, consider, and recommend to the Code Authority further fair trade practice provisions to govern the members of this Product Group.

(b) If the National Industrial Recovery Board shall determine that any action of the Code Authority and/or the Administrative Committee or any agency thereof may be unfair or unjust or contrary to the public interest, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority and/or the Administrative Committee or any agency thereof pending final action which shall not be effective unless the National Industrial Recovery Board approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

(c) Each trade or industrial association directly or indirectly participating in the selection or activities of the Administrative Committee shall (1) impose no inequitable restrictions on membership, and (2) submit to the National Industrial Recovery Board true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other informa-

tion as to membership, organization, and activities as the National Industrial Recovery Board may deem necessary to effectuate the purposes of the Act.

(d) In order that the Administrative Committee shall at all times be truly representative of the Product Group and in other respects comply with the provisions of the Act, the National Industrial Recovery Board may prescribe such hearings as they may deem proper; and thereafter if they shall find that the Administrative Committee is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Administrative Committee.

(5) All members of this Product Group shall be bound by the provisions of the Basic Code. For this purpose, the wage and hour provisions of the Basic Code are hereby declared to be a part of this Supplement. In case of any conflict between the provisions of this Supplement and the provisions of the Basic Code the provisions of the latter shall govern. As required by Section 7 (a) of Title I of the Act, the following provision is contained in this Supplement: (a) Every code of fair competition agreement and license approved, prescribed, or issued under this title shall contain the following conditions: (1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

(6) The Administrative Committee shall cause to be formulated methods of cost finding and accounting capable of use by all members of the Product Group, and shall submit such methods to the National Industrial Recovery Board for review. If approved by the National Industrial Recovery Board, full information concerning such methods shall be made available to all members of the Product Group. Thereafter, each member of the Product Group shall utilize such methods to the extent found practicable. Nothing herein contained shall be construed to permit the Administrative Committee, any agent thereof, or any member of the Product Group to suggest uniform additions, percentages or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices.

(7) The Administrative Committee shall be empowered to obtain from members of the industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the industry subject to this Code shall furnish such statistical information as the National Industrial Recovery Board may deem necessary for the purposes recited in Section 3 (a) of the Act to such

Federal and State agencies as it may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the industry or any other party except to such other Governmental agencies as may be directed by the National Industrial Recovery Board.

#### ARTICLE IV—TRADE PRACTICES

In addition to the provisions of Section C of the Article VI of the Basic Code, the following described acts shall constitute unfair practices:

(1) *Costs and Price Cutting.*—(a) Wilfully destructive price cutting is an unfair method of competition and is forbidden. Any member of the Product Group or of any other industry or the customers of either may at any time complain to the Administrative Committee that any filed and/or offered price constitutes unfair competition as destructive price cutting, imperiling small enterprises or tending toward monopoly or the impairment of code wages and working conditions. The Administrative Committee shall within five (5) days afford an opportunity to the member filing and/or offering the price to answer such complaint and shall within fourteen (14) days make a ruling or adjustment thereon. If such ruling is not concurred in by either party to the complaint, all papers shall be referred to the Research and Planning Division of N.R.A. which shall render a report and recommendation thereon to the National Industrial Recovery Board.

(b) When no declared emergency exists as to any given product, there is to be no fixed minimum basis for prices. It is intended that sound cost estimating methods should be used and that consideration should be given to costs in the determination of pricing policies.

(c) When an emergency exists as to any given product sale below the stated minimum price of such product, in violation of the provisions of paragraph (e) hereof, is forbidden.

(d) If the National Industrial Recovery Board, after investigation shall at any time find both (1) that an emergency has arisen within the Product Group adversely affecting small enterprises or wages or labor conditions, or tending toward monopoly or other acute conditions which tend to defeat the purposes of the Act; and (2) that the determination of the stated minimum price for a specified product of the Product Group for a limited period is necessary to mitigate the conditions constituting such emergency and to effectuate the purposes of the Act, the Administrative Committee may cause an impartial agency to investigate costs and to recommend to the National Industrial Recovery Board a determination of the stated minimum price of the product affected by the emergency and thereupon the National Industrial Recovery Board may proceed to determine such stated minimum price.

(e) When the National Industrial Recovery Board shall have determined such stated minimum price for a specified product for a stated period, which price shall be reasonably calculated to mitigate the conditions of such emergency and to effectuate the purposes of the National Industrial Recovery Act, it shall publish such price.



Thereafter, during such stated period, no member of the Product Group shall sell such specified products at a net realized price below said stated minimum price and any such sale shall be deemed destructive price cutting. From time to time, the Administrative Committee may recommend review or reconsideration or the National Industrial Recovery Board may cause any determinations hereunder to be reviewed or reconsidered and appropriate action taken.

(2) *Commercial Bribery*.—To give, permit to be given, or directly offer to give, anything of value for the purpose of influencing or rewarding the action of any employee, agent or representative of another in relation to the business of the employer of such employee, the principal of such agent or the represented party, without the knowledge of such employer, principal or party. Commercial bribery provisions shall not be construed to prohibit free and general distribution of articles commonly used for advertising except so far as such articles are actually used for commercial bribery as herein defined.

(3) *Misbranding and Mislabelling*.—False branding or labelling or failure to brand or label products of the industry for the purpose or with the effect of misleading or deceiving purchasers or consumers with respect to the quality, grade, effectiveness, origin, method of operation, character, or substance of the products purchased.

(4) *Imitation of Trade Marks*.—Imitation of a competitor's trade mark, marking or trade name, with the purpose or effect of misleading or deceiving any purchaser or prospective purchaser.

(5) *Inaccurate Advertising*.—To publish advertising (whether printed, radio, display, or of any other nature), which is misleading or inaccurate in any material particular, or in any material way to misrepresent any products or credit terms, values, policies, services, or the nature or form of the business conducted.

(6) *Rebuilt or Reconditioned Products*.—To rebuild or recondition, to disassemble or reassemble with either the same or different parts, sandblast or chemically treat the metal container, paint, lacquer or varnish the metal parts, or otherwise clean or refurnish oil filters with the purpose or intent of selling or offering the same for sale without:

(a) Completely removing therefrom all trade marks, trade names, style marks, size marks and/or brand marks of the original manufacturer, and

(b) Painting the words "Rebuilt" or "Used" in not less than  $\frac{1}{2}$ " block letters, in a contrasting color, in two places approximately opposite on the body of the oil filter, and

(c) Also packing such oil filters in a plain white, gray or buff carton with only the name and address of the rebuildler or reconditioner; and the words "Rebuilt Oil Filter" or "Used Oil Filter" printed on each side thereof in not less than  $\frac{1}{2}$ " block letters; and printing on each end of the carton the size designation and the word "Rebuilt" or "Used" in not less than  $\frac{1}{4}$ " block letters; and/or to sell or offer for sale oil filters which have been rebuilt or reconditioned unless the same are marked and packed as above provided; and/or to advertise or otherwise represent, sell or offer to sell any rebuilt or reconditioned oil filters as the product of or

under the trade mark, trade name or brand mark of the original manufacturer.

(7) *Replacing Competitor's Stock*.—To liquidate, purchase, or accept another member's product from any buyer.

(8) *Special Brands*.—To sell or offer for sale special brand oil filters manufactured after the effective date of this Supplement, which are not so marked and/or packaged as to clearly indicate to the consumer, the producer or manufacturer of same.<sup>1</sup>

(9) *Export*.—The provisions of this Supplement, with the exception of Article IV, paragraph (1), are to apply to direct export sales and to sales in course of export (i. e., sales destined ultimately for export) and to sales of materials used in the manufacture of products for export.

#### ARTICLE V—GENERAL

(1) No provision of this Supplement shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

(2) Such of the provisions of this Supplement as are not required to be included herein by the Act may, with the approval of the National Industrial Recovery Board, be modified or eliminated upon proposal by the Product Group or any member thereof if it appear that the public needs are not being served thereby and as changes in circumstances or experience may indicate.

(3) It is contemplated that from time to time supplementary provisions of this Supplement or modifications thereof will, after approval by the Product Group, be submitted by the Administrative Committee through the Code Authority for approval to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the purposes of the Act. Upon approval by the National Industrial Recovery Board after such notice and hearing as he may prescribe, such supplementary provisions or modifications shall become binding as a part of this Supplement.

(4) As required by Section 10 (b) of Title I of the Act, the following provision is contained in this Supplement: The President may from time to time cancel or modify any order, approval, license, rule, or regulation issued under said Title.

(5) By assenting to this Supplemental Code no member of this Product Group shall be held to have waived any of his constitutional rights.

(6) Violation by any member of this Product Group of any provision of this Supplement is an act of unfair competition, and the offender shall be subject to the penalties imposed by the Act.

(7) The effective date of this Supplement shall be the tenth day after it shall have been approved by the President.

Approved Code No. 105—Supplement No. 6.  
Registry No. 1404-51.

<sup>1</sup> See paragraph 2 of order approving this Code.

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**EXECUTIVE ORDERS**

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## EXECUTIVE ORDER

## CONSOLIDATING THE EXECUTIVE COUNCIL AND THE NATIONAL EMERGENCY COUNCIL

WHEREAS it is desirable in the public interest that all members of the Executive Council be included in the National Emergency Council and that their functions and duties be consolidated, and that the functions and duties of the Industrial Emergency Committee be coordinated with those of said Council:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, by legislation (enacted by the Congress of the United States to meet the national economic emergency and to provide relief necessary to protect the general welfare of the people) or otherwise, I hereby order that the Executive Order of July 11, 1933, No. 6202-A, creating the temporary Executive Council; the Executive Order of November 17, 1933, No. 6433-A, creating the National Emergency Council; the Executive Order of December 18, 1933, No. 6513, amending said order; the Executive Order of June 30, 1934, No. 6770, creating the Industrial Emergency Committee; the Executive Order of August 31, 1934, No. 6836, amending said order; and the Executive Order of September 27, 1934, No. 6860, amending said order, shall conform to the following orders:

(1) The National Emergency Council shall be composed of the following and such other members as the President may designate:

The President of the United States	The Director of Emergency Conservation Work
The Secretary of State	The Federal Coordinator of Transportation
The Secretary of the Treasury	The Governor of the Farm Credit Administration
The Secretary of War	The Adviser on Consumer Problems
The Attorney General	The Chairman of the National Industrial Recovery Board
The Postmaster General	The Chairman of the Federal Alcohol Control Administration
The Secretary of the Navy	The Federal Housing Administrator
The Secretary of the Interior	The President of the Export-Import Banks of Washington, D. C.
The Secretary of Agriculture	The Chairman of the Federal Deposit Insurance Corporation
The Secretary of Commerce	The Chairman of the Federal Power Commission
The Secretary of Labor	The Chairman of the Federal Communications Commission
The Director of the Budget	The Chairman of the Securities and Exchange Commission
The Secretary to the President	The Governor of the Federal Reserve Board
The Hon. L. W. Robert, Jr., Assistant Secretary of the Treasury	The Executive Director
The Administrator of Agricultural Adjustment	
The Administrator of Federal Emergency Relief	
The Chairman of the Board of the Reconstruction Finance Corporation	
The Chairman of the Board of the Tennessee Valley Authority	
The Chairman of the Federal Home Loan Bank Board	
The Chairman of the Federal Trade Commission	

(2) It shall be the purpose of the National Emergency Council (a) to provide for the orderly presentation of business to the President; (b) to coordinate inter-agency problems of organization and activity of Federal agencies; (c) to coordinate and make more efficient and productive the work of the field agencies of the Federal Government; (d) to cooperate with any Federal agency in performing such activities as the President may direct; and (e) to serve in an advisory capacity to the President and the Executive Director of the National Emergency Council.

(3) The Industrial Emergency Committee, as heretofore established shall continue to exercise all the functions and duties heretofore imposed upon it and serve as a sub-committee of the National Emergency Council.

(4) The functions and duties of the Council shall be prescribed from time to time by the President, and such rules and regulations as may be necessary to effectuate the purposes for which the Council is created shall be prescribed by the Executive Director and approved by the President.

(5) The Executive Director, Donald R. Richberg (whose leave of absence as General Counsel of the National Recovery Administration is hereby extended until further order, with pay, in order that he may fulfill the duties of Executive Director of the National Emergency Council and Director of the Industrial Emergency Committee) is authorized to execute the functions and to perform the duties vested in the Council by the President through such persons as the Executive Director shall designate, and he is further authorized to prescribe such rules and regulations as he may deem necessary to supplement, amplify, or carry out the purposes and intent of such rules and regulations as may be prescribed by him and approved by the President under the provisions of this order.

(6) The Executive Director may appoint, subject to the approval of the President, without regard to the Civil Service laws or the Classification Act of 1923, as amended, fix the compensation and prescribe the duties and authority of such officials and employees, and make such expenditures (including expenditures for personal services, and rent at the seat of the Government and elsewhere, for law books and books of reference, and for paper, binding, and printing) as may be necessary to carry into effect the provisions of this order. The Executive Director may also, with the consent of any board, commission, independent establishment, or executive department of the Government, including any field service thereof, avail himself of the services of the officials, employees, and the facilities thereof and, with the consent of the State or municipality concerned, may utilize such State and local officials and employees as he may deem necessary.

(7) All the members of the Executive Council having now been included in the National Emergency Council, the functions and duties of the Executive Council are hereby transferred to and vested in the National Emergency Council, and the separate existence of the Executive Council is hereby terminated. All records, papers, and property of the Executive Council shall become records, papers, and property of the National Emergency Council; and all of the unexpended funds and appropriations for the use and maintenance of the Executive Council shall be available for expenditure by the National Emergency Council as above provided; and all employees of the Executive Council shall be transferred to and become employees of the National Emergency Council at their present grades and salaries, but such transfer shall not be construed to give such employees any civil service or other permanent status.

(8) The powers and duties herein conferred upon the National Emergency Council are in addition to, and not in derogation of, any powers and duties conferred upon such Council by any other order made by me.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
October 29, 1934.

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**ADMINISTRATIVE ORDERS**

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## ADMINISTRATIVE ORDER NO. 111-7AA

## OCCUPATIONS HAZARDOUS IN NATURE OR DANGEROUS TO HEALTH

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DIVISION 5,  
*August 16, 1934.*

MR. LEIGHTON W. ROGERS,  
*Executive Officer,*  
*Air Transport Code Authority,*  
*Shoreham Building, Washington, D. C.*

DEAR MR. ROGERS: The Administrator instructs me to acknowledge your letter of July 18, informing him that the Code Authority had agreed on the "operations or occupations hazardous in nature or dangerous to health" in the Air Transport Industry.

After examination of this list and upon approval of the Labor Advisory Board, the following occupations and operation are recognized as being "hazardous in nature or dangerous to health."

1. Occupations of pilot, copilot, and stewardess;
2. Operation of ground servicing.

Very truly yours,

SOL A. ROSENBLATT,  
*Division Administrator.*

## ADMINISTRATIVE ORDER NO. X-96

GOVERNMENT CONTRACTS AND CONTRACTS INVOLVING THE USE OF  
GOVERNMENT FUNDS

## APPLICATION OF EXECUTIVE ORDER 6646

EXCEPTION No. 49.

OCTOBER 10, 1934.

UPON THE RECOMMENDATION OF THE WAR DEPARTMENT THROUGH  
THE DIVISION OF PROCUREMENT, TREASURY DEPARTMENT

By virtue of the delegation of authority by the President of the United States, the following exception from the operation of Executive Order 6646 is hereby made:

“Contract with the Wilson-Snyder Manufacturing Corporation for furnishing the District Engineer at Rock Island, Ill., with repair parts for dredge engines.”

THE NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer*.

## ADMINISTRATIVE ORDER NO. 476-10

ORDER, CODE OF FAIR COMPETITION FOR THE HATTERS FUR CUTTING INDUSTRY—EXTENDING THE CODE OF FAIR COMPETITION FOR A FURTHER PERIOD OF NINETY (90) DAYS FROM ITS PRESENT EXPIRATION DATE

WHEREAS, a Code of Fair Competition for the Hatters Fur Cutting Industry was approved on July 3, 1934, to become effective July 16, 1934, subject to the following provision of the Order of Approval;

“That the Provisions of this Code shall be in full force and effect for a period of ninety (90) days from the effective date hereof. Prior to the expiration of said period the Code Authority shall make recommendations to the Administrator in regard to continuance or amendment of any or all provisions of this Code”; and

WHEREAS, the ninety (90) day trial period provided for in the order approving said Code of Fair Competition, expires on October 14, 1934; and

WHEREAS, an application has been made by the Code Authority for the said Industry for the continuance of the said Code for an additional ninety (90) day period, said additional period to be from October 14, to January 12, 1935, and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that the extension hereinafter granted is necessary and will tend to effectuate the policy of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, on behalf of the President, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, hereby orders that the said Code of Fair Competition for the Hatters Fur Cutting Industry be, and it is hereby extended for a period of ninety (90) days, said extension to be from October 14, 1934, to January 12, 1935, and further orders that prior to the expiration of said period, the Code Authority shall make recommendations to the National Industrial Recovery Board in regard to the continuance or amendment of any or all provisions of the said Code.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
October 10, 1934.

## ADMINISTRATIVE ORDER NO. 466-14

PRICES, AMENDMENT TO ORDER DETERMINING BASIS FOR FIXING  
MINIMUM

CODE OF FAIR COMPETITION FOR THE RETAIL TOBACCO TRADE—  
AMENDING ADMINISTRATIVE ORDER NUMBER 466-4 TO MAKE  
CERTAIN PROVISION FOR THE SALE OF THE SAME QUANTITY  
OF CIGARETTES IN DIFFERENT CONTAINERS.

WHEREAS, by Administrative Order Number 466-4, a basis was established for the computation of minimum retail prices for cigarettes; and

WHEREAS, it appears that anomalies have been discovered resulting in a disparity of prices for equal numbers of cigarettes because they are held in containers of different capacities;

NOW, THEREFORE, pursuant to authority vested in us as the National Industrial Recovery Board, we hereby order the Administrative Order Number 466-4 be and the same hereby is amended by inserting at the end of paragraph 2 therein, the following:

“Where the manufacturers list price is uniform on all packings of cigarettes, the same quantity of cigarettes may always be sold at the same minimum price whatever the packing. Therefore, when a given quantity of cigarettes would appear to sell for differing minimum prices in differing packages, the lowest minimum price for the given quantity of cigarettes shall be the minimum price for all packings.”

This Amendment shall become effective as of the date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator*.

WASHINGTON, D. C.,  
*October 10, 1934.*

## ADMINISTRATIVE ORDER NO. 466-15

PRICES, EXTENDING EFFECTIVE DATE OF ORDER DETERMINING  
BASIS FOR FIXING

ORDER, CODE OF FAIR COMPETITION FOR THE RETAIL TOBACCO  
TRADE—APPROVING EXTENSION OF ADMINISTRATIVE ORDER  
NUMBER 466-4

WHEREAS, on July 12, 1934 Administrative Order Number 466-4 was approved, whereby an emergency was declared to exist in the selling of cigarettes at retail, and

WHEREAS, said Order fixes the basis for the computation of the minimum prices at which cigarettes may be sold, and

WHEREAS, said Order was declared to remain in effect until Saturday, October 13, 1934, and

WHEREAS, Section 5 of said Order directed the Research and Planning Division of the National Recovery Administration to devise a plan for the study and supervision of the operation of these minimum prices, and

WHEREAS, the Code Authority of the Retail Tobacco Trade has requested that said Order be extended beyond the date of expiration, and

WHEREAS, the Director of the Research and Planning Division finds that the report of that Division cannot be completed prior to the date of expiration.

NOW, THEREFORE, pursuant to the authority vested in us, it is hereby ordered that Administrative Order 466-4 and all amendments thereto, be and the same hereby are extended so as to remain in effect until January 11, 1935, unless the National Industrial Recovery Board, upon causing this Order to be reviewed at any time, shall otherwise order.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 10, 1934.*

## ADMINISTRATIVE ORDER NO. 462-14

PRICES, EXTENDING BASIS OF DETERMINATION FOR FIXING MINIMUM

ORDER, CODE OF FAIR COMPETITION FOR THE WHOLESALE TOBACCO TRADE—APPROVING EXTENSION OF ADMINISTRATIVE ORDER NUMBER 462-5

WHEREAS, on July 12, 1934 Administrative Order Number 462-5 was approved, whereby an emergency was declared to exist in the selling of cigarettes at wholesale, and

WHEREAS, said Order fixes the basis for the computation of the minimum prices at which cigarettes may be sold, and

WHEREAS, said Order was declared to remain in effect until Saturday, October 13, 1934, and

WHEREAS, Section 5 of said Order directed the Research and Planning Division of the National Recovery Administration to devise a plan for the study and supervision of the operation of these minimum prices, and

WHEREAS, the Code Authority of the Wholesale Tobacco Trade has requested that said Order be extended beyond the date of expiration, and

WHEREAS, the Director of the Research and Planning Division finds that the report of that Division cannot be completed prior to the date of expiration,

NOW, THEREFORE, pursuant to the authority vested in us, it is hereby ordered that Administrative Order 462-5 and all amendments thereto, be and the same hereby are extended so as to remain in effect until January 11, 1935, unless the National Industrial Recovery Board, upon causing this Order to be reviewed at any time, shall otherwise order.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 10, 1934.*

## ADMINISTRATIVE ORDER NO. LP 10-6

## LABOR AND WAGE PROVISIONS, INTERPRETATION FOR BONA FIDE PARTNERSHIPS

## INTERPRETATION—CODE OF LABOR PROVISIONS FOR THE BREWING INDUSTRY, APPROVED CODE NO. LP 10

*Applicant.*—Mr. Robt. M. Odear, Field Adjuster, Lexington, Ky.

*Facts.*—J. R. Layman, State NRA Compliance Director of Louisville, Ky., has transmitted the request of Mr. Robt. M. Odear for a ruling as to how to proceed on the complaint against Mocabee & Bush Company, engaged in the brewing business in Lexington, Ky.

*Question.*—Are the labor and wage provisions of the Brewing Code applicable to a partnership of five (5) men who perform all duties pertaining to production and distribution of their product and who do not engage employees?

*Interpretation.*—The labor and wage provisions of the Code of Labor Provisions for the Brewing Industry are not applicable to members of a bona fide partnership.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By ARMIN W. RILEY, *Division Administrator.*

Approval recommended:

SYDNEY BERT GOLDMAN,  
*Code Legal Adviser.*

C. W. DUNNING,  
*Deputy Administrator.*

Found not inconsistent with established policy:

E. W. JEFFREY,  
*Chief Review Division.*

OCTOBER 11, 1934.

## ADMINISTRATIVE ORDER NO. X-36-1

CODE ADMINISTRATION, INTERPRETATION FOR THE GENERAL CONTRACTORS AND THE MASON CONTRACTORS DIVISIONS FOR COLLECTION OF EXPENSES OF

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INTERPRETATION OF PARAGRAPH III OF ADMINISTRATIVE ORDER No. X-36.

*Applicants.*—Divisional Code Authority for General Contractors, Munsey Building, Washington, D. C., and Code Authority for the Mason Contractors Division of the Construction Industry. Tower Building, Washington, D. C.

*Facts.*—Each of the above named Divisional Code Authorities Administers a Divisional Code under the Code of Fair Competition for the Construction Industry. A separate budget and basis of assessment has been approved for each applicant.

*Question.*—Is a general contractor who engages in operations within the definition of the Divisional Code for the Mason Contractors Division of the Construction Industry, but whose principal line of business is within the definition of the Divisional Code for the General Contractors Division of the Construction Industry, exempted by Paragraph III of Administrative Order No. X-36 from contributing to the expense of administration of the Divisional Code for the Mason Contractors Division of the Construction Industry?

*Interpretation.*—The words “Code Authority” and “Code” and “Codes” where used in Paragraph III of Administrative Order X-36 are to be interpreted as including Divisional Code Authorities, Subdivisional Code Authorities, Divisional Code, Subdivisional Code, Divisional Codes and Subdivisional Codes respectively.

The question is answered in the affirmative.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

WASHINGTON, D. C.,  
October 11, 1934.



## ADMINISTRATIVE ORDER NO. 206-10

ORDER, CODE OF FAIR COMPETITION FOR THE FELDSPAR INDUSTRY—  
OPERATIONS OR OCCUPATIONS DEEMED HAZARDOUS OR DETRIMENTAL TO THE HEALTH OF PERSONS UNDER EIGHTEEN YEARS OF AGE

The Code Authority for the Feldspar Industry, in accordance with Section 1 of Article IV of the Code of Fair Competition for the Feldspar Industry, has submitted to the National Industrial Recovery Board a list of occupations deemed hazardous in nature or detrimental to the health of persons under eighteen (18) years of age in this Industry, within the meaning of Section 1 of Article IV, which are as follows:

## I. Occupations Involving General Hazards.

1. All work in or about mines, quarries, or pits, including surface operations.
2. Work involving the handling or use of explosives or explosive substances.

## II. Occupations Involving Specific Mechanical Hazards-Machine Work. (Prohibition to apply to operating, assisting in operating, or taking material from the following machines.)

3. Machinery having a heavy rolling or crushing action.
4. All grinding machines.
5. In oiling, cleaning or wiping machinery or shafting in motion.
6. In applying belts to pulleys in motion.

## III. Occupations Involving Health Hazards.

7. In processes where quartz or any other form of silicon dioxide or an asbestos silicate is present in powdered form.

Pursuant to Section 1 of Article IV, we hereby approve the recommendation of the Code Authority that work performed in the operations listed above is hazardous in nature and is detrimental to health within the meaning of Section 1 of Article IV, and order that it shall have the same force and effect as other provisions of the Code, this Order to become effective fifteen (15) days after the date hereof, unless prior to that date good cause to the contrary shall have been shown to us and we have, by further order, otherwise determined.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By W. P. ELLIS, *Acting Division Administrator*.

Approval recommended:

W. A. JANSSEN,  
*Deputy Administrator*.

OCTOBER 11, 1934.

## ADMINISTRATIVE ORDER NO. X-97

GOVERNMENT CONTRACTS AND CONTRACTS INVOLVING THE USE OF  
GOVERNMENT FUNDS

APPLICATION OF EXECUTIVE ORDER 6646

EXCEPTION No. 50.

UPON THE RECOMMENDATION OF THE PROCUREMENT DIVISION,  
TREASURY DEPARTMENT

OCTOBER 11, 1934.

By virtue of the delegation of authority by the President of the United States, the following exception from the operation of Executive Order 6646 is hereby made:

“Contract with the Boston Terminal Company for the furnishing of steam to the C. J. Maney Company.”

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer*.

WASHINGTON, D. C.,

## ADMINISTRATIVE ORDER NO. 508-2

ORDER, CODE OF FAIR COMPETITION FOR THE INDUSTRY OF WHOLESALING PLUMBING PRODUCTS, HEATING PRODUCTS AND/OR DISTRIBUTING PIPE, FITTINGS AND VALVES.—GRANTING A STAY UNTIL OCTOBER 24, 1934, OF THE OPERATION OF THE PROVISIONS OF THE CODE OF FAIR COMPETITION FOR THE INDUSTRY OF WHOLESALING PLUMBING PRODUCTS, HEATING PRODUCTS, AND/OR DISTRIBUTING PIPE, FITTINGS AND VALVES.

WHEREAS, confusion has arisen by reason of the application of the Code of Fair Competition for the Industry of Wholesaling Plumbing Products, Heating Products and/or Distributing Pipe, Fittings and Valves to members of trades or industries whose activities are largely governed by other Codes of Fair Competition; and

WHEREAS, the Industry desires and the National Industrial Recovery Board finds it necessary to give further consideration to the situation thus created;

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby order that the operation of said Code of Fair Competition for the Industry of Wholesaling Plumbing Products, Heating Products and/or Distributing Pipe, Fittings and Valves be and it is hereby stayed in all particulars and as to all provisions until October 24, 1934.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Order recommended:

ROBERT L. HOUSTON,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 11, 1934.*

## ADMINISTRATIVE ORDER NO. 474-6

MODIFYING CODE APPROVAL RELEVANT TO THE SELECTION OF A  
NEEDLEWORK COMMISSION

APPROVED CODE NO. 474, CODE OF FAIR COMPETITION FOR THE NEEDLEWORK INDUSTRY IN PUERTO RICO, AS APPROVED ON JUNE 28, 1934—EXECUTIVE ORDER—MODIFYING ORDER APPROVING CODE OF FAIR COMPETITION FOR THE NEEDLEWORK INDUSTRY IN PUERTO RICO TO ALTER THE CONSTITUTION OF THE PUERTO RICAN NEEDLEWORK COMMISSION

The Executive Order of June 28th approving the Code of Fair Competition for the Needlework Industry in Puerto Rico provided, in part in the fourth condition of approval, as follows:

“That there shall be appointed by the Administrator for Industrial Recovery, within ten days after the effective date hereof, a Puerto Rican Needlework Commission consisting of three persons: one of whom shall be nominated by the Code Authority for the Needlework Industry in Puerto Rico, another of whom shall be nominated by the several Code Authorities of related industries in continental United States, and a third person to serve as chairman, shall be nominated by the National Recovery Administration.”

It having been found by the National Industrial Recovery Board that the several Code Authorities of the related industries in the continental United States cannot agree upon a nominee for this Commission, and the said Board having recommended, in its report to me which is approved and attached hereto, a modification of the above-quoted provision.

NOW, THEREFORE, I, Franklin Delano Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do order that the above-quoted provision be and it is hereby revised to read as follows:

“That there shall be established a Puerto Rican Needlework Commission consisting of four members who shall be appointed by the National Industrial Recovery Board as follows: one member to represent the Needlework Industry in Puerto Rico, on the nomination of the Code Authority for that industry, who shall have one vote; two members to represent the related industries in the continental United States, to be selected by the National Industrial Recovery Board from the nominations made by the Code Authorities for such industries, each of whom shall have one-half vote; one member to serve as impartial chairman, who shall have one vote.”

FRANKLIN D. ROOSEVELT.

Approval recommended:

THE NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

THE WHITE HOUSE,  
October 11, 1934.

## ADMINISTRATIVE ORDER NO. 449-6

## ORDER, CODE OF FAIR COMPETITION FOR THE WHOLESALE MONUMENTAL GRANITE INDUSTRY — OPERATIONS OR OCCUPATIONS DEEMED HAZARDOUS OR DETRIMENTAL TO THE HEALTH OF PERSONS UNDER EIGHTEEN YEARS OF AGE

The Code Authority for the Wholesale Monumental Granite Industry, in accordance with Section 1 of Article V of the Code of Fair Competition for the Wholesale Monumental Granite Industry, has submitted to the National Industrial Recovery Board a list of occupations deemed hazardous in nature or detrimental to the health of persons under eighteen (18) years of age in this Industry, within the meaning of Section 1 of Article V, which are as follows:

1. Work in or about quarries, including all surface work;
2. In the transportation or in the use of explosives or explosive substances;
3. Rigging of derricks;
4. Shaping of carborundum wheels;
5. In the operation of carborundum wheels;
6. In the operation of lathes;
7. In all other stone cutting or polishing;
8. In the care or operation or repair of derricks, cranes, elevators or other hoisting apparatus except in the operation (1) of dumb-waiters as defined by the American Standards Association, or (2) of elevators equipped only for automatic operation;
9. In switching and working on or about railroad equipment;
10. In oiling, cleaning or wiping machinery in motion;
11. In applying belts to a pulley in motion or assisting therein;
12. In proximity to any unguarded belt or gearing;
13. In or assisting in the operation of gas, oil or steam engines or other prime movers;
14. Firing of steam or water boilers (except steam or water boilers of not more than 15 lbs. pressure used solely for heating purposes);
15. If waste material is utilized, in operating or assisting to operate crushing machines.

Pursuant to Section 1 of Article V, we hereby approve the recommendation of the Code Authority that work performed in the operations listed above is hazardous in nature and is detrimental to health within the meaning of Section 1 of Article V, and order that it shall have the same force and effect as other provisions of the Code, this Order to become effective fifteen (15) days after the date hereof, unless prior to that date good cause to the contrary shall have been shown to us and we have, by further order, otherwise determined.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By W. P. ELLIS, *Acting Division Administrator.*

Approval recommended:

W. A. JANSSEN,  
*Deputy Administrator.*

OCTOBER 11, 1934.

## ADMINISTRATIVE ORDER NO. X-98

## ORDER, INTERPRETING EXECUTIVE ORDER NO. 6606-A INsofar AS IT APPLIES TO THE ALLOWANCE OF BROKERAGE COMMISSIONS TO COOPERATIVE ORGANIZATIONS

On behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Order No. 6859, for the purpose of clarifying the provisions of Executive Order No. 6606-A, dated February 17, 1934, and to effectuate the policies of Title I of the National Industrial Recovery Act, does hereby order that:

Pursuant to Executive Order No. 6606-A, dated February 17, 1934, no provision of any Code of Fair Competition heretofore or hereafter approved under said Title of said Act shall be so construed or applied as to make it a violation of any such code for any member of any industry to pay or allow a brokerage commission to any bona fide and legitimate cooperative organization performing services or engaged in functions for which other persons may properly be paid such a commission. In determining whether a cooperative organization is performing such services and functions no cognizance shall be taken of the fact that the said cooperative organization will distribute its actual earnings, whether acquired in the form of brokerage commissions or otherwise, to its members in the form of patronage dividends, notwithstanding also the fact that the members who in due course may receive a part of said brokerage commission as a patronage dividend may be the purchasers of the product or service in connection with which the said commission was realized.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

LINTON M. COLLINS,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 12, 1934.*

## ADMINISTRATIVE ORDER 118-135

## WAGE AND HOUR PROVISIONS, ACCEPTING COMMITTEE REPORT ON

## EXECUTIVE ORDER—CONCERNING AMENDMENTS TO THE CODE OF FAIR COMPETITION FOR THE COTTON GARMENT INDUSTRY APPROVED BY EXECUTIVE ORDER NO. 6828, AUGUST 21, 1934

WHEREAS Executive Order No. 6828, dated August 21, 1934, approved certain amendments to the Code of Fair Competition for the Cotton Garment Industry, including amendments to Articles III and IV thereof, which latter amendments by their terms were not to become effective until October 1, 1934, and

WHEREAS Executive Order No. 6861, dated September 28, 1934, stayed the effective date of said amendments to Articles III and IV of said Code of Fair Competition to and including October 15, 1934, and directed the National Industrial Recovery Board to appoint a committee of three impartial persons to hear protests, investigate the facts and report its recommendations concerning said amendments on or before October 10, 1934, and

WHEREAS the Cotton Garment Code Authority and various members of the Cotton Garment Industry, protestants against said amendments, had stated that if such an impartial committee were appointed to determine the issues involved, said protestants would abide by the conclusions of such committee, and

WHEREAS the National Industrial Recovery Board, pursuant to said Executive Order duly appointed Willard E. Hotchkiss, W. Jett Lauck and Donald M. Nelson, three impartial persons who had not theretofore formed an opinion concerning the subject matter of said amendments, as such committee, which said committee thereafter heard protests, investigated the facts and on October 10, 1934, did report its recommendations in the premises:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by Title I of the National Industrial Recovery Act of June 16, 1933 (ch. 90, 48 Stat. 195), and in order to effectuate the purposes of said title and of my said Executive Order No. 6861, dated September 28, 1934, I, FRANKLIN D. ROOSEVELT, President of the United States, do hereby approve and adopt the report and recommendations of said committee and do order:

1. That paragraph numbered 1 of Executive Order No. 6861, dated September 28, 1934, be and it is hereby revoked.

2. That the effective date of said amendments to Articles III and IV of said Code be stayed to and including December 1, 1934, after which date said amendments shall be in full force and effect.

3. That the committee heretofore appointed and constituted by the National Industrial Recovery Board, consisting of Willard E. Hotchkiss, Chairman, W. Jett Lauck, and Donald M. Nelson, be continued, with instructions further to investigate the protests of the

Sheep Lined and Leather Garment Subdivision of the Cotton Garment Industry and report its findings and recommendations therein on or before November 15, 1934.

4. That the National Industrial Recovery Board forthwith appoint a committee of three impartial persons, which committee shall investigate the effects of competition between the products of prison labor and sheltered workshops on the one hand and of the cotton garment industry on the other, study the operation of the Prison Labor Compact especially as to the enforcement of the standards of competition with private industry established therein, and report to the National Industrial Recovery Board concerning said matters not later than December 1, 1934.

5. That on or before January 15, 1935, the National Industrial Recovery Board report to me as to exceptions to and exemptions from the Code of Fair Competition for the Cotton Garment Industry, as amended, which may have been granted under the provisions of Article XV of said Code as amended.

6. That this Order shall be subject to my further orders in the premises.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*October 12, 1934.*

(No. 6871)



## ADMINISTRATIVE ORDER NO. 363-22

## TRADE PRACTICES, SELLING AND DELIVERY, CONTINUED STAY OF

## ORDER, CODE OF FAIR COMPETITION FOR THE MEN'S NECKWEAR INDUSTRY—STAY OF THE PROVISIONS OF ARTICLE VI, SECTION 12

WHEREAS, Article VI of the Code of Fair Competition for the Men's Neckwear Industry provides in part as follows: "Trade Practice Rules—The following practices constitute unfair methods of competition for the members of the Industry and are prohibited . . . 12. To sell goods on other terms than f. o. b. city of origin. Delivery charges prepaid by the manufacturer shall be added to the cost of the goods to the buyer in the invoice. Nothing in this provision shall prevent free local deliveries"; and,

WHEREAS, upon application of the Code Authority, said Section 12 of Article VI was stayed by Administrative Order No. 363-11, dated June 15, 1934, for a period of sixty days from that date, with the condition that "prior to the expiration of said period, the Code Authority for the Men's Neckwear Industry shall file with me its recommendations with respect to said provisions"; and

WHEREAS, the Code Authority has filed an application for the amendment of said Section 12 of Article VI, and further the Code Authority has requested an extension of the stay of said Section 12 of Article VI, until such time as final action is taken on the said application of the Code Authority for an amendment of said Section 12 of Article VI; and

WHEREAS, the Deputy Administrator has reported and it appears that justice requires that appropriate relief be granted on the said provisions of the said Code;

NOW, THEREFORE, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby order that the said provisions of said Article be stayed as to all parties subject thereto until such time as this Order is revoked by further Order.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Order recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
October 12, 1934.

## ADMINISTRATIVE ORDER NO. 445-16

PRICE LISTS, STAY OF CODE PROVISIONS FOR MULTIPLE UNIT RETAIL  
BAKERS FROM PROVISIONS REQUIRING FILING OFORDER, CODE OF FAIR COMPETITION FOR THE BAKING INDUSTRY  
—STAY OF THE PROVISIONS OF ARTICLE VII, SECTION 1, (c)

WHEREAS, Article VII, Section 1 (c) of the Code of Fair Competition for the Baking Industry provides in part:

“(c) Each member of the Industry, within ten (10) days after the effective date of the Code, shall file with the local code authority or agency duly established therein his net price list for each market area wherein his bakery products are sold, showing his net current prices and terms of payment. If such local code authority or agency is not then established hereunder, and until such time as it is so established, each member shall file his net current prices and terms of payment for bakery products with the Code Authority. Each price list shall be accompanied by a statement from the member filing same to the effect that the prices therein are not below his cost so determined pursuant to the provisions of paragraph (c) of Section 2 of this Article. Revised price lists may be filed from time to time thereafter by any member of the Industry, to become effective five (5) days after the filing thereof. The filing of price lists in any market area shall be made with such local code authority or agency established hereunder for such area as may be designated by the Code Authority. Copies of all price lists shall be made available immediately to buyers and sellers generally by the Code Authority, local code authority or local agency, as the case may be. To meet a competitor's price not in violation of this code, any member of the Industry may sell at a price lower, or upon terms other, than those contained in his filed price lists but he shall within twenty-four (24) hours thereafter, file a price list or price lists revised accordingly. If it shall develop that the competitor's price was in violation of the Code, the member of the Industry so selling in contravention of his filed price to meet the competitor's price shall not be deemed to have violated the Code if within twenty-four (24) hours he shall have communicated all the facts to the local code authority or agency established hereunder and designated by the Code Authority to accept his price list for filing. Any dissemination by the Code Authority or any local code authority or agency established hereunder of information contained in the price lists of members of the Industry shall be effected without interpretation or comment.”

and

WHEREAS, justice requires that appropriate relief be granted from said provisions of the said Code to the multiple unit retail bakers (as defined in Section 24, Article II of the Code):

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise does hereby order as follows:

That the operation of the provisions of Section 1 (c) of Article VII of the Code of Fair Competition for the Baking Industry, insofar as they apply to multiple unit retail bakers (as defined in Section 24, Article II of the Code) who sell no bakery products whatsoever at wholesale, be and it is hereby stayed, subject to our further orders, for a period of one hundred twenty (120) days from the effective date of the said Code provided

(1) That such multiple unit retail bakers shall post complete price lists conspicuously in their retail stores; and

(2) That such multiple unit retail bakers shall comply with all the provisions of Section 2 of Article VII of said Code.

NATIONAL INDUSTRIAL RECOVERY BOARD

By G. A. LYNCH, *Administrative Officer.*

Order recommended:

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 15, 1934.*

## ADMINISTRATIVE ORDER NO. 45-3

## ORDER, CODE OF FAIR COMPETITION FOR THE OPTICAL RETAIL TRADE—REQUIRING MODIFICATION OF THE CODE AUTHORITY

WHEREAS, complaints have been made by members of the Trade that the Code Authority is not truly representative of the Trade; and

WHEREAS, Article VI, Section 4 of the Code provides as follows: "In order that the Code Authority shall at all times be truly representative of the Trade and in other respects comply with the provisions of the Act, the Administrator may prescribe such hearings as he may deem proper; and thereafter, if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Code Authority"; and

WHEREAS, a public hearing was called to determine the issues raised by said complaints on the 17th day of August, 1934, in Washington, D. C.; and

WHEREAS, it was made to appear at said hearing that said Code Authority is not truly representative of the Trade;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and by the provisions of Article VI, Section 4 of the Code of Fair Competition for the Optical Retail Trade, and otherwise, it is hereby ordered that the Code Authority for said Trade be and it is hereby modified in the following particular, to wit: that four members of the Trade be added to the Code Authority which shall consist of eighteen members of the Trade instead of fourteen as it is now constituted; said four members to be appointed by the National Industrial Recovery Board.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

ROBERT L. HOUSTON,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 15, 1934.*

## ADMINISTRATIVE ORDER NO. 68-15

TEMPORARY APPROVAL OF REGULATION GOVERNING RESALE VALUE OF SECOND-HAND OR OLD EQUIPMENT IN ACCORDANCE WITH SECTION 5, ARTICLE VII, OF THE ROAD MACHINERY MANUFACTURING INDUSTRY CODE

WHEREAS, Section 5, Article VII, of the Code of Fair Competition for the Road Machinery Manufacturing Industry, as approved by the President on October 31, 1933, provides that:

"No second-hand or old equipment shall be taken in trade as part payment for new equipment at an allowance in excess of its then resale value, and the Coordinating Agency, subject to the approval of the Administrator, shall establish from time to time rules and regulations defining such resale values."

and

WHEREAS, on April 11, 1934, and on August 9, 1934, an order, pursuant to Section 5, Article VII, of said Code was granted by the Administrator, and

WHEREAS the Code Authority of the aforesaid Industry feels that the time granted in said order has not been sufficient, and additional time of sixty (60) days is necessary to fulfill the requirements of original order, and

WHEREAS, at a meeting held in its offices at 410 North Michigan Avenue, Chicago, Illinois, on September 26, 1934, the Coordinating Agency of the Road Machinery Manufacturing Industry, pursuant to said Section 5, Article VII, of said Code, having voted, as evidence by a copy of the minutes of said telephonic meeting to request a sixty (60) day temporary approval of the following regulation:

## REGULATION

"As required by Section 5, Article VII, of the Code of Fair Competition for the Road Machinery Manufacturing Industry, the Coordinating Agency of the Industry hereby establishes the following rule and regulation defining the 'then resale value' of second-hand or old equipment (defined as any second-hand or used product of the Industry) which may be offered in trade as part payment for new prime products of the Industry.

"SECTION 1. The 'then resale value' shall be construed to mean the value to a member of the Industry of such second-hand or old equipment when offered for trade-in by the then owner and such 'resale value' shall be determined in accordance with Section 2 hereof.

"SECTION 2. The maximum 'resale value' of such second-hand or old equipment shall be computed on the basis of the length of time that has elapsed between the date on which such second-hand or old equipment came into the possession of the original purchaser and the date on which such second-hand or old equipment is offered for trade-in by the

then owner and such 'resale value' shall not be more than the following percentages of the price originally paid by the original purchaser of such equipment:

1st 6 months or part thereof	75%
Over 6 to and including 12 months	60%
“ 12 “ “ “ 18 “	45%
“ 18 “ “ “ 24 “	30%
“ 24 “ “ “ 30 “	20%
“ 30 “ “ “ 36 “	10%
“ 36 “ “ “ 42 “	6%
“ 42 months	2%

“SECTION 3. The foregoing determines maximum allowance, but does not justify allowance of more than the actual resale value of the article traded in, as defined in Section 1 hereof, as of the time and place of trade.

“SECTION 4. Each member of the Industry shall, as a basis of his allowance, submit a copy of this rule and regulation with quotation to purchaser, if purchaser is offering second-hand or old equipment in trade as part payment for new equipment; and only when the purchaser submits authentic information (regarding original purchase price of such old equipment and date of original purchase) with the order, shall the member of the Industry, receiving such order, compute the resale value on the basis provided herein for allowance as part payment on the new equipment.”

and,

WHEREAS, a report of his findings having been submitted to the National Industrial Recovery Board by the Deputy Administrator and it having been shown that the regulation is well designed to promote the policies and purposes of the National Industrial Recovery Act:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board pursuant to the authority vested in it by Executive Orders of the President, including Executive Order No. 6859 and otherwise, does hereby approve the aforesaid regulation as hereinabove set forth, for a period of sixty (60) days, effective as of September 27, 1934; provided, however, that during the said sixty (60) day period and prior to the expiration thereof, the Coordinating Agency of the Code of Fair Competition for the Road Machinery Manufacturing Industry shall submit to the National Industrial Recovery Board schedules showing rates of depreciation for different machines which are products of the Industry, together with competent evidence as to the reasonableness thereof, and such other information as it may require. This order shall become effective as of September 27, 1934.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator*.

WASHINGTON, D. C.,  
October 15, 1934.

## ADMINISTRATIVE ORDER NO. 278-84

ORDER, CODE OF FAIR COMPETITION FOR THE TRUCKING INDUSTRY—  
GRANTING EXEMPTION TO CERTAIN MEMBERS OF THE INDUSTRY  
OPERATING UNDER CONTRACTS WITH THE UNITED STATES GOVERN-  
MENT FOR TRANSPORTING MAIL IN CERTAIN SERVICES FROM ALL  
THE PROVISIONS OF THE TRUCKING CODE AS AMENDED

WHEREAS, the Code Authority for the Trucking Industry has requested the National Industrial Recovery Board to grant an exemption from all the Provisions of the Trucking Code to each member of the Industry operating under a contract with the United States Government for transporting mail in star route service and mail messenger service, where such member performs all of the duties imposed by such contract himself without employing any employee or agent in connection therewith, and where such member transports no property other than United States mail; and

WHEREAS, an investigation of the facts has been made and the Acting Deputy Administrator has reported, and it appears to the satisfaction of the Board that the exemption hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act:

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that each member of said Industry who operates under a contract with the United States Government for transporting mail in star route service and mail messenger service, where such member performs all of the duties imposed by such contract himself without employing any employee or agent in connection therewith, and where such member transports no property other than United States mail, be and he is hereby exempted from all of the provisions of said Code. This Order shall take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and a subsequent order is issued to that effect and is expressly subject to cancellation in the event of a showing of proper cause at any time subsequent to the effective date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By LEIGHTON H. PEEBLES,  
*Acting Division Administrator,  
Public Utilities Division.*

Order recommended:

C. P. CLARK,  
*Acting Deputy Administrator,  
Transportation Section.*

OCTOBER 15, 1934.

## ADMINISTRATIVE ORDER NO. 449-S

## ORDER, CODE OF FAIR COMPETITION FOR THE WHOLESALE MONUMENTAL GRANITE INDUSTRY—GRANTING APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE PRICE LISTS, TERMS AND CONDITIONS OF SALE

WHEREAS, Article VII, Section 1, of the Code of Fair Competition for the Wholesale Monumental Granite Industry prescribes that each member of the Industry shall publish and file with the Code Authority, within thirty days after the effective date thereof, his prices, terms and conditions of sale; and

WHEREAS, the said Code became effective on June 11, 1934; and

WHEREAS, a previous application made by the temporary Code Authority for an extension of sixty (60) days has been approved, extending such time to September 9, 1934; and

WHEREAS, an application has been made by the Code Authority for a further extension of time within which members of the Industry shall file their prices, terms and conditions of sale, as required by said Article VII, Section 1, for reasons which appear to be good and sufficient, and

WHEREAS, it appears to our satisfaction that the application should be granted and that the extension requested is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act:

NOW, THEREFORE, on behalf of the President of the United States, and pursuant to authority vested in us by Executive Orders of the President, including Executive Order 6859, dated September 27, 1934, and otherwise, we do hereby grant an extension from September 9, 1934, to October 11, 1934 of the time allowed within which members of the Industry shall file their prices, terms and conditions of sale as required by Article VII, Section 1, of the said Code.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,

*Acting Division Administrator.*

WASHINGTON, D. C.,

*October 15, 1934.*



## ADMINISTRATIVE ORDER NO. 454-4

## TRADE PRACTICE, PROVISIONS MODIFYING PREVIOUS STAY OF

## ORDER, CODE OF FAIR COMPETITION FOR THE OPTICAL RETAIL TRADE—RESCINDING ADMINISTRATIVE ORDER NO. 454-2, AND MODIFYING ORDER OF APPROVAL OF CODE

WHEREAS, by Administrative Order No. 454-2 all of the provisions of Article VIII of the Code of Fair Competition for the Optical Retail Trade were stayed pending determination of issues raised by the filing of petitions for stays of application of provisions of the Code by members of the Trade; and

WHEREAS, a public hearing was held on the 17th day of August, 1934, to determine said issues and to adduce evidence concerning said Article and other matters which were taken up at the public hearing pursuant to the notice of said public hearing; and

WHEREAS, it appears to the satisfaction of The National Industrial Recovery Board that the evidence adduced at said public hearing and the records do not sustain sub-paragraphs (2) and (5) of paragraph (a) of Section 1 of said Article VIII, but that all other paragraphs of Article VIII are sustained by the evidence adduced at said public hearing and by the record; and it appears that, in order to promote the policy and purposes of Title I of the National Industrial Recovery Act, Administrative Order No. 454-2 should be rescinded, and the Order of Approval of said Code should be modified;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, it is hereby ordered that Administrative Order No. 454-2 be and it is hereby rescinded; and

IT IS FURTHER ORDERED, on behalf of the President of the United States, that the Order Approving the Code of Fair Competition for the Optical Retail Trade be and it is hereby modified to provide as follows:

1. That the provisions of sub-paragraphs (2) and (5) of paragraph (a) of Section 1 of Article VIII of the Code of Fair Competition for the Optical Retail Trade be and they are hereby stayed until further order.

2. That the Code Authority for the Optical Retail Trade shall make its recommendations to the National Recovery Administration within six (6) months after the date of this Order concerning the said sub-paragraphs (2) and (5) of paragraph (a) of Section 1 of Article VIII.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

ROBERT L. HOUSTON,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 16, 1934.*

## ADMINISTRATIVE ORDER NO. 3-31

CODE OF FAIR COMPETITION FOR THE WOOL TEXTILE INDUSTRY—  
APPROVING AMENDMENT OF RULES OF PRACTICE AND MERCHAN-  
DISING FOR THE SALES YARN DIVISION

An application having been duly made pursuant to and in full compliance with the provisions of Article XII, Section 2 (c) of the Code of Fair Competition for the Wool Textile Industry as approved July 26, 1933 and amended January 23, 1934, for approval of an amendment to the Rules of Practice and Merchandising of the Sales Yarn Division of the Wool Textile Industry, under the Code of Fair Competition for the Wool Textile Industry, and a Notice of Opportunity to be Heard having been duly afforded thereon and the annexed report on said amendment containing findings with respect thereto having been made and addressed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, and pursuant to said Article XII, Section 2 (c), does hereby incorporate by reference said annexed report, and does find that said amendment and the Rules of Practice and Merchandising as constituted after being amended comply in all respects with the pertinent provisions and will promote the policies and purposes of Title I of the National Industrial Recovery Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Rules of said Practice and Merchandising is hereby amended to include an approval of said Rules in their entirety as amended.

This amendment shall become effective seven (7) days after date hereof.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 16, 1934.*

## ADMINISTRATIVE ORDER NO. 3-32

## EXECUTIVE ORDER—CREATING WOOL TEXTILE WORK ASSIGNMENT BOARD, ETC.

Representations having been made to me by the Code Authority for the Wool Textile Industry that paragraph 2 of Section 3 of the Code of Fair Competition for the Wool Textile Industry already provides for a freezing period as respects work assignments as recommended by the Board of Inquiry for the Cotton Textile Industry, created by Executive Order No. 6840, dated September 5, 1934, embodied in the report of said Board, submitted to me on September 17, 1934, and upon finding accordingly; and application having been made by the sponsors of the Code in a letter dated July 25, 1933, which stated: "In order to prevent abuses, without hampering progress, we hereby request the Administrator to appoint a committee to study this problem in order to insure a practical definition of improper speeding up of work and to avoid its harmful results,"

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do issue the following rules and regulations for the administration of said paragraph 2 of Section 3 of said Code until February 1, 1935:

1. The Textile Labor Relations Board shall appoint a Wool Textile Work Assignment Board, to be composed of an impartial chairman, one representative of the employers subject to the Code of Fair Competition for the Wool Textile Industry, and one representative of the employees in that industry.

2. The Wool Textile Work Assignment Board is hereby charged with the responsibility of administering said paragraph 2 of Section 3 of said Code, in accordance with the following principles:

(a) No employer shall extend the number of similar looms, frames, spindles or other machines or equipment tended by any class of employee unless there is a compensating change in the operation, including a change in the quality or character of the product or material processed or manufactured.

(b) The Wool Textile Work Assignment Board may, on petition of any mill which installs labor saving machinery, after such investigation as it may deem proper, authorize the employer to increase labor assignments to the extent only that the amount of work required of the employees affected will not be increased by the installation of this machinery.

(c) On petition of the representatives of labor, on its own motion, or otherwise, the Wool Textile Work Assignment Board may investigate any case where it is alleged that the work load has been improperly

increased since July 1, 1933, in violation of the Code and may require its reduction if it finds that the assignment has been so increased.

3. The Wool Textile Work Assignment Board shall have authority to appoint district impartial chairmen and such other agents as it sees fit, and to issue such rules and regulations as it deems necessary to carry out the foregoing provisions.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*October 16, 1934.*

(No. 6877)

## ADMINISTRATIVE ORDER NOS. 1-93B, 48-18 and 3-33

## EXECUTIVE ORDER, RULES AND REGULATIONS FOR THE COTTON, SILK AND WOOL TEXTILE WORK ASSIGNMENT BOARDS

By virtue of and pursuant to the authority vested in me under Title I of the National Industrial Recovery Act (Chapter 90, 48 Stat. 195, Tit. 15 U. S. C. #701), and under the Codes of Fair Competition for the Cotton Textile Industry, the Silk Textile Industry and the Wool Textile Industry, it is hereby ordered as follows:

SEC. 1. The Textile Labor Relations Board shall appoint a single individual as common chairman of the Cotton Textile Work Assignment Board, the Silk Textile Work Assignment Board and the Wool Textile Work Assignment Board. All general rules and regulations involving products manufactured under more than one of the above Codes shall be jointly considered by the Work Assignment Boards for those Codes.

SEC. 2. The Cotton, Silk and Wool Textile Work Assignment Boards shall study the actual operation of the stretch-out (or specialization) system in a number of representative plants, including such plants as may be selected respectively by the Code Authority affected and by the United Textile Workers of America and such other plants as the Boards may themselves select either upon or without nomination of interested parties. The Boards shall, after consultation with the employers and employees in the respective industries, and their representatives, prepare, and before January 1, 1935, submit to the President, recommendations for a permanent plan for regulation of work assignments in the respective industries. Such recommendations, if adopted in accordance with the National Industrial Recovery Act, shall become effective as therein provided. Such recommendations, unless good cause is shown to the contrary, shall include, among other provisions, substantially the following principles:

(a) No employer shall increase the work assignments of any class of work until he has secured authorization therefor from the district impartial chairman (appointed by the Textile Work Assignment Board) of the District in which the mill operates. The district impartial chairman shall authorize extensions of work assignments only if the following conditions have been complied with:

(i) The employer has filed with the district impartial chairman and with the representatives of the employees affected a petition for authorization of extension of work assignments. The petition shall include a sworn statement on a form to be provided by the Textile Work Assignment Board indicating the conditions which have been established at the mill as the basis for extension.

(ii) A period of six weeks has elapsed since the filing of the petition.

(iii) Either (a) the representatives of labor affected have not filed a protest to the proposed extension before the end of the six-weeks'

period, or (b) if such protest has been filed, there has been a public hearing, with such investigation by the district impartial chairman or his agents as he may deem advisable, and the impartial chairman finds that the conditions which have been maintained throughout the six-weeks' period justify the extension.

The fact that any employer has failed to maintain any of the conditions set forth in the statement accompanying the petition on which the existing work assignment was authorized shall be ground for the denial of the petition.

(b) The district impartial chairman, on petition by the representatives of any employees affected, shall investigate the justifiability of existing labor assignments, and if he finds any assignment involves excessive efforts by the workers, shall require the employer to reduce such assignment.

(c) Decisions of the district chairman rendered under the above provisions shall be subject to appeal to the Textile Work Assignment Board, whose decision shall be final.

Sec. 3. The Textile Labor Relations Board shall provide funds for, and maintain administrative supervision over the several Textile Work Assignment Boards.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*October 16, 1934.*

(No. 6878)

## ADMINISTRATIVE ORDER NO. 65-16

ORDER, CODE OF FAIR COMPETITION FOR THE ADVERTISING SPECIALTY INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE III, SECTION 1, INSOFAR AS THEY REFER TO “BY PERMISSION OF THE EXECUTIVE COMMITTEE OF THE CODE AND WITH THE APPROVAL OF THE ADMINISTRATOR”, AND PROVIDING FOR CONTINUANCE OF THE BASIC WAGES AND HOURS AND PROVIDING FURTHER FOR TIME AND ONE-HALF FOR OVERTIME.

WHEREAS, an application is made by the Code Authority of the Advertising Specialty Industry for a stay of the operations of the provisions of Article III, Section 1 of the Code of Fair Competition for the Advertising Specialty Industry insofar as they refer to “by permission of the Executive Committee of the Code and with the approval of the Administrator”; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to the authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said Code be and it is hereby stayed as to all parties subject thereto for a period of ninety (90) days from the date hereof; provided, however, that any member of the Industry for any twelve (12) weeks in any 52 week period, may permit his employees to work not to exceed 48 hours per week; provided further, however, that for all hours worked in excess of eight (8) hours per day and forty (40) hours per week, said employees shall receive not less than one and one-half times their normal rate of pay.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
October 17, 1934.

## ADMINISTRATIVE ORDER NO. X-99

GOVERNMENT CONTRACTS AND CONTRACTS INVOLVING THE USE OF  
GOVERNMENT FUNDS

## APPLICATION OF EXECUTIVE ORDER 6646

EXCEPTION No. 51

OCTOBER 17, 1934.

UPON THE RECOMMENDATION OF THE DEPARTMENT OF COMMERCE

By virtue of the delegation of authority by the President of the United States, the following exception from the operation of Executive Order 6646 is hereby made:

“Four contracts between the United States (through the Secretary of Commerce) and Waterman Steamship Company, an Alabama Corporation, with offices at Mobile, Alabama, for loans in aid of reconditioning, remodeling or improving its vessels, in so far as Paragraph 1 (c) of said Executive Order requires that said contracts contain a provision that the Waterman Steamship Company shall comply with “an agreement with the President” (President’s Reemployment Agreement) as regards its ‘vessel employees.’”

NATIONAL INDUSTRIAL RECOVERY BOARD  
G. A. LYNCH, *Administrative Officer.*

WASHINGTON, D. C.,



## ADMINISTRATIVE ORDER NO. X-100

GOVERNMENT CONTRACTS AND CONTRACTS INVOLVING THE USE OF  
GOVERNMENT FUNDS

## APPLICATION OF EXECUTIVE ORDER 6646

EXCEPTION No. 52

OCTOBER 17, 1934.

UPON THE RECOMMENDATION OF THE DEPARTMENT OF JUSTICE,  
THROUGH THE PROCUREMENT DIVISION, TREASURY DEPARTMENT

By virtue of the delegation of authority by the President of the United States, the following exception from the operation of Executive Order 6646 is hereby made:

“Contract with the Williams-Donohue, Inc., El Paso, Texas, for storage of Division of Investigation vehicles and for repairs and parts as needed, the term of the contract being for the entire fiscal year 1935.”

NATIONAL INDUSTRIAL RECOVERY BOARD  
G. A. LYNCH, *Administrative Officer.*

WASHINGTON, D. C.,

## ADMINISTRATIVE ORDER NO. X-101

GOVERNMENT CONTRACTS AND CONTRACTS INVOLVING THE USE OF  
GOVERNMENT FUNDS

## APPLICATION OF EXECUTIVE ORDER 6646

EXCEPTION No. 53

OCTOBER 17, 1934.

UPON THE RECOMMENDATION OF THE DEPARTMENT OF COMMERCE,  
AND RECONSTRUCTION FINANCE CORPORATION

By virtue of the delegation of authority by the President of the United States, the following exception from the operation of Executive Order 6646 is hereby made:

“1. Contract with the Luce's Press Clipping Bureau for the furnishing of press clipping service to the Bureau of Air Commerce.

“2. Contract with the Luce's Press Clipping Bureau for the furnishing of press clipping service to the Reconstruction Finance Corporation.”

NATIONAL INDUSTRIAL RECOVERY BOARD  
G. A. LYNCH, *Administrative Officer*.

WASHINGTON, D. C.,

## ADMINISTRATIVE ORDER 487-13

## HAZARDOUS OCCUPATIONS FOR MINORS, APPROVING A LIST OF

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WASHINGTON, D. C., *October 17, 1934.*

Mr. C. E. BINGHAM, *Chairman,*  
*General Importers Code Authority,*  
*45 East 17th St., New York, N. Y.*

DEAR MR. BINGHAM: The following list of occupations in the Importing Trade, unsuited to persons under eighteen (18) years of age and considered hazardous in nature or detrimental to health, has been reviewed by this Administration and is hereby approved, in accordance with Article V, Section 1 of the Code of Fair Competition for the Importing Trade, subject to further Orders by the National Industrial Recovery Board:

## I. OCCUPATIONS INVOLVING GENERAL HAZARDS

1. As drivers or assistant drivers of motor vehicles or as helpers or delivery boys on motor vehicles.

2. In the operation, custody or repair of elevators, cranes, derricks, or other hoisting apparatus, except in the operation of (1) dumbwaiters as defined by the American Standards Association, or (2) of elevators equipped only for automatic operation.

3. In all loading, and unloading operations (from trucks, trains, ships, etc.) where lifting is done by hand. If power driven machinery is used in conveying or handling material, the following should be added:

4. In handling, loading or unloading goods where power-driven machinery is used for conveying or handling.

5. In switching or in operating railroad equipment.

6. In dock or marine work.

Very truly yours,

ROBERT L. HOUSTON,  
*Division Administrator, Division Four.*

## ADMINISTRATIVE ORDER NO. 6-15

ORDER, CODE OF FAIR COMPETITION FOR THE LACE MANUFACTURING INDUSTRY—STAY OF ORDER DATED SEPTEMBER 27, 1934, STAYING PROVISIONS OF ARTICLE III, PARAGRAPH 1, LIMITING THE HOURS OF OPERATION OF PRODUCTIVE MACHINERY AS TO BARMEN MACHINES

WHEREAS, the Administrator for Industrial Recovery issued an Order staying the provisions of Article III, Paragraph 1 of the Code of Fair Competition for the Lace Manufacturing Industry, insofar as they limit the hours of operation of Barmen machines, to become effective October 12, 1934; and

WHEREAS, the above named industry through its Code Authority has filed objections to said stay; and

WHEREAS, a hearing will be held to determine whether Article III, Paragraph 1 should be stayed and/or amended so as to exempt Barmen machines from the provisions limiting the hours of operation of said machines;

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order # 6859, and otherwise, does hereby stay said Order until November 27, 1934.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Order recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 17, 1934.*

## ADMINISTRATIVE ORDER NO. 278-88

WAGE SCALE, MAKING THE BASE OF OPERATIONS THE DETERMINING  
FACTOR IN DETERMINING THE

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INTERPRETATION—CODE OF FAIR COMPETITION FOR THE  
TRUCKING INDUSTRY—APPROVED CODE NO. 278, ARTICLE II,  
PARAGRAPH 11

*Applicant.*—National Code Authority, Trucking Industry, 622  
Transportation Building, Washington, D. C.

*Facts.*—It appearing that employees may be working for a com-  
pany whose operations are extended over a territory falling in both  
the North and South as defined in Article II, Paragraph 11 of the  
Trucking Code.

*Question.*—Where operations are extended over territory falling in  
both the North and South as defined in Article II, paragraph 11 of  
the Code of Fair Competition for the Trucking Industry which wage  
scale shall apply?

*Interpretation.*—Where operations are extended over territory  
falling in both the North and South as defined in Article II, para-  
graph 11 of the Code of Fair Competition for the Trucking Industry,  
the employees wage scale shall be governed by the location of the  
operating base of the employment in which the employee is engaged.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By LEIGHTON H. PEEBLES,  
*Acting Division Administrator.*

Approval recommended:

CURTIN WINSOR,  
*Code Legal Advisor.*

C. P. CLARK,  
*Acting Deputy Administrator.*

Found not inconsistent with established policy:

E. M. JEFFREY,  
*Chief Review Division.*

WASHINGTON, D. C.  
*October 17th, 1934.*

## ADMINISTRATIVE ORDER NO. 278-89

## WAGE SCALE, INTERPRETATION RELEVANT TO

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INTERPRETATION—CODE OF FAIR COMPETITION FOR THE TRUCKING INDUSTRY—APPROVED CODE NO. 278, ARTICLE V, SECTION B, PARAGRAPHS 1 & 2

*Applicant.*—National Code Authority Trucking Industry, 622 Transportation Building, Washington, D. C.

*Facts.*—It appearing that employees may be working in a metropolitan trading area involving territory both north and south of the North-South line.

*Question.*—What rates of pay are applicable in a metropolitan trading area involving territory both north and south of the North-South line?

*Interpretation.*—In metropolitan trading area involving territory both north and south of the North-South line, the rates of pay shall be determined by that portion of the trading area which contains the greater population as shown by the records of the United States Census Bureau, according to the Federal Census of 1930.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By LEIGHTON H. PEEBLES,  
*Acting Division Administrator.*

Approval recommended:

CURTIN WINSOR,  
*Code Legal Advisor.*

C. P. CLARK,  
*Acting Deputy Administrator.*

Found not inconsistent with established policy:

E. M. JEFFREY,  
*Chief Review Division.*

WASHINGTON, D. C.,  
*October 17, 1934.*

## ADMINISTRATIVE ORDER NO. 293-10

ORDER, CODE OF FAIR COMPETITION FOR THE GUMMING INDUSTRY—  
OPERATIONS OR OCCUPATIONS DEEMED HAZARDOUS OR DETRIMENTAL TO THE HEALTH OF PERSONS UNDER EIGHTEEN YEARS OF AGE

The Code Authority for the Gumming Industry, in accordance with Section 1 of Article V of the Code of Fair Competition for the Gumming Industry, has submitted to the National Industrial Recovery Board a list of occupations deemed hazardous in nature or detrimental to the health of persons under eighteen (18) years of age in this industry, within the meaning of Section 1 of Article V, which are as follows:

## I. Occupations Involving General Hazards.

1. Firing of steam or water boilers (except boilers of not more than 15 lbs. pressure used solely for heating purposes.)
2. As drivers or assistants to drivers of motor vehicles or as helpers or delivery boys on motor vehicles.
3. In or assisting in the operation of gas, oil, or steam engines or other prime movers.
4. In the care, custody, operation or repair of elevators, cranes, derricks, or other hoisting apparatus, except in the operation of (1) dumb-waiters, as defined by the American Standards Association, or (2) elevators equipped only for automatic operation.

## II. Occupations Involving Specific Mechanical Hazards—Machine Work. (Prohibition to apply to operating, assisting in operating, or taking material from the following machines.)

5. Machinery or stamping or punch-press type used in the manufacture of paper or paper goods, if the clearance between the ram and the die or the stripper exceeds one-fourth inch.
6. Paper cutting machines having a guillotine action.
7. Paper punches or line perforators.
8. Creasers, slitters, or corrugating, crimping, embossing, plating, printing, or graining rolls used in the manufacture of paper and paper products which are not guarded at the point of operation.

## 9. Power shears of all kinds.

Exception—Apprentices.—Employment of any of the above machines may be permitted in the case of minors between 16 and 18 years of age under conditions of bona fide apprenticeship.

10. In oiling, cleaning or wiping machinery or shafting in motion.

11. In applying belts to pulleys in motion or assisting therein.

WHERE PRINTING IS DONE

12. Power-driven printing presses.

13. Monotype or linotype machines.

14. Embossing machinery used in the printing industry.
15. Blowing out type cases, in printing shops.
16. Cleaning linotype plungers, in printing shops.
17. Dry sweeping and cleaning, in printing shops.
18. In melting operations in printing shops.

Apprentices shall be defined as "those who are regularly indentured under contract to the Industry, for a sufficient period of time to be systematically advanced through the various operations, shops, departments, etc., of a trade, occupation or industry, and who receive educational training in an organized educational institution during a portion of their working time."

Pursuant to Section 1 of Article V, the National Industrial Recovery Board hereby approves the recommendation of the Code Authority that work performed in the operations listed above is hazardous in nature and is detrimental to health within the meaning of Section 1 of Article V, and orders that it shall have the same force and effect as other provisions of the Code, this Order to become effective fifteen (15) days after the date hereof, unless prior to that date good cause to the contrary shall have been shown to the National Industrial Recovery Board and it has by its further order otherwise determined.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By JOSEPH F. BATTLE, *Acting Division Administrator.*

Approval recommended:

DAVID H. TULLEY,  
*Deputy Administrator.*

WASHINGTON, D. C.,  
*October 18, 1934.*



## ADMINISTRATIVE ORDER NO. 38-13

## TRADE PRACTICES, STAY AMENDED

AMENDED ORDER, CODE OF FAIR COMPETITION FOR THE BOILER  
MANUFACTURING INDUSTRY—STAY OF SECTION 1, ARTICLE VIII,  
AMENDMENT NO. 1

WHEREAS, under the Order heretofore issued under date of September 27, 1934, fifteen (15) days was allowed for good cause to be shown why the provisions of Section 1, Article VIII of Amendment No. 1 to the Code of Fair Competition for the Boiler Manufacturing Industry should not be stayed, as therein ordered; and

WHEREAS, the Code Authority has applied for an extension of time within which good cause to the contrary may be shown by it; and

WHEREAS, the Code Authority has further requested that a public hearing be held at which it may present its objections to the aforesaid stay; and

WHEREAS, it appears that good and sufficient reasons exist for granting the extension of time, as requested by the Code Authority;

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Order No. 6859 issued by the President under date of September 27, 1934, and otherwise, does hereby order as follows:

That the aforesaid Order relative to said Section 1, Article VIII of Amendment No. 1 to the Code of Fair Competition for the Boiler Manufacturing Industry, heretofore issued under date of September 27, 1934, be and it is hereby amended to the extent that the time within which good cause to the contrary may be shown is extended until November 12, 1934, at which time the said stay, as heretofore ordered, shall become effective unless good cause to the contrary is shown to the National Industrial Recovery Board and it issues a subsequent Order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 19, 1934.*

## ADMINISTRATIVE ORDER NO. 259-13

HOURS AND WAGES, GRANTING STAY OF CODE PROVISIONS  
RELEVANT TO

ORDER, CODE OF FAIR COMPETITION FOR THE HAT MANUFACTURING INDUSTRY—STAYING APPLICATION OF PROVISIONS OF ARTICLE III, SECTION 2, AND ANNEX A OF THE CODE OF FAIR COMPETITION FOR THE HAT MANUFACTURING INDUSTRY

WHEREAS, an application has been made by the Code Authority of the Hat Manufacturing Industry for a temporary stay of the provisions of Article III, Section 2, and Annex A of the Code of Fair Competition for the Hat Manufacturing Industry; and

WHEREAS, hearings have been duly held thereon and the Assistant Deputy Administrator has recommended, and it appears to the satisfaction of the National Industrial Recovery Board that said stay, with the conditions hereinafter placed thereon, is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the provisions of said Article III, Section 2, and Annex A of said Code of Fair Competition be and they are hereby stayed for a period of sixty (60) days from the date hereof;

PROVIDED, HOWEVER, that no member of the Industry shall pay to such of his or its employees as are engaged in the manufacture of fur-felt hat bodies and fur-felt hats a weighted average wage of less than fifty-two and one-half cents (52½¢) per hour, and that no member of the Industry shall pay to such of his or its employees as are engaged in the manufacture of straw hats and other summer headwear, as defined in Article I, Section 1, paragraph A of said Code, a weighted average wage of less than fifty cents (50¢) per hour, and

PROVIDED, FURTHER, that the Code Authority shall submit to the National Industrial Recovery Board, within sixty (60) days from the date hereof, a report of the effect of this stay and the conditions prescribed as a part thereof, including reports as to its effect upon wage rates, competitive relations, and other matters relative thereto.

This Order may be revoked at any time in the event of a subsequent showing of proper cause therefor.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
October 19, 1934.

## ADMINISTRATIVE ORDER NO. 474-8

ORDER, CODE OF FAIR COMPETITION FOR THE NEEDLEWORK INDUSTRY  
IN PUERTO RICO—CONTINUING MINIMUM PIECE-WORK RATES

WHEREAS the Piece Rates Commission has established piece-work rates in accordance with Section 5 of Article IV of the Code; and

WHEREAS the Piece Rates Commission has recommended the continuance of the established piece-work rates for a period of six months from October 19, 1934;

WHEREAS it appears that the established piece-work rates have not been in existence for a length of time sufficient to determine whether in their operation they will effectuate the provisions of Section 5 of Article IV of the Code and it appears advisable to continue such piece-work rates for a period of six months from October 19, 1934;

NOW, THEREFORE, by virtue of the authority conferred upon the Administrator for Industrial Recovery by Executive Order No. 474-1 of June 28, 1934, approving the said Code, and upon the undersigned by Executive Order No. 6859 of September 27, 1934, and otherwise, it is hereby ordered that the piece-work rates as established by the said Piece Rates Commission be and they hereby are continued in effect to and including April 19, 1935.

It is further ordered that the Needlework Commission and the Piece Rates Commission shall, either jointly or severally, within such period recommend to the National Industrial Recovery Board the continuation of said established minimum piece-work rates, or changes in such rates found to be necessary to make them conform to the two dollar weekly minimum wage prescribed in Section 3 of Article IV of the Code, or the adoption of a point system or other system for adjusting the minimum compensation of employees to said minimum wage rates.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Order recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 19, 1934.*

## ADMINISTRATIVE ORDER NO. 477-6

## ORDER, EXTENDING EFFECTIVE PERIOD OF CODE OF FAIR COMPETITION FOR THE PUBLIC SEATING INDUSTRY

The Code of Fair Competition for the Public Seating Industry having been approved by Order of the Administrator for Industrial Recovery, dated July 10, 1934, for a period of ninety (90) days, in order to provide for the further study and establishment of a more inclusive Code or Codes comprehending those businesses competitive or potentially competitive in nature and producing products from the same or similar classifications of labor and by the same or similar machines; and

WHEREAS, the said study cannot be concluded within the ninety (90) day period for which said Code was approved as specified above;

NOW, THEREFORE, on behalf of the President of the United State, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859 dated September 27, 1934, and otherwise, does hereby order that the said Code of Fair Competition be, and it is hereby, approved for a period, in addition to the ninety (90) days for which said Code was approved as specified above, of such duration as shall be determined by and subject to its further Order; and does hereby order that all the terms, provisions and conditions of the said Order of the Administrator for Industrial Recovery shall otherwise be, and they are hereby, continued in full force and effect, pending its further order.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 19, 1934.*

## ADMINISTRATIVE ORDER NO. 342-11

PRICES, STAY OF CODE PROVISIONS RELEVANT TO PUBLICATION OF  
A SCHEDULE OFORDER, CODE OF FAIR COMPETITION FOR THE SANITARY AND  
WATERPROOF SPECIALTIES MANUFACTURING INDUSTRY—  
GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF  
ARTICLE VII, SECTION 3

WHEREAS, an application has been made by the Code Authority for the Code of Fair Competition for the Sanitary and Waterproof Specialties Manufacturing Industry, 551-5th Avenue, New York, N. Y. for a stay of the operation of the provisions of Article VII, Section 3 of the Code for this Industry, which section relates to the publication of a schedule of prices and terms of sale on all standard products manufactured by members of this Industry; and

WHEREAS, the Acting Deputy Administrator has reported, and it appears to its satisfaction, that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said Code be, and it is hereby, stayed as to all parties subject thereto for a period of ninety (90) days from the date hereof, subject to revocation by the National Industrial Recovery Board at an earlier time if reasonable cause for such revocation be shown.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 19, 1934.*

## ADMINISTRATIVE ORDER NOS. 282-90 AND 445-18

ORDER, CODE OF FAIR COMPETITION FOR THE BAKING INDUSTRY—  
DENYING APPLICATION OF THE CODE AUTHORITY FOR THE RESTAURANT INDUSTRY FOR AN EXEMPTION FOR THE ENTIRE INDUSTRY FROM THE PROVISIONS OF THE CODE OF FAIR COMPETITION FOR THE BAKING INDUSTRY

WHEREAS, an application has been made by the above-named applicant for an exemption from the provisions of the Code of Fair Competition for the Baking Industry for the entire Industry until such time as a satisfactory modification of the Code of Fair Competition for the Baking Industry could be made; and

WHEREAS, the aforesaid application was made pursuant to Executive Order No. 6205-B, dated July 15, 1933, which provides for a hearing to persons who have not in person or by a representative participated in establishing or consenting to a code, but who are directly affected thereby and who claim that applications of the code in particular instances are unjust to them and who apply for an exception to, or exemption from, or modification of, the code; and

WHEREAS, the aforesaid Executive Order relieves the applicant from incurring any liability to enforcement of the code, so that a stay of the provisions of the code is operative until a determination of the issues is made; and

WHEREAS, a public hearing was duly held thereon on October 9, 1934, and the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board that the exemption applied for is not necessary and would not tend to effectuate the policies of Title I of the National Industrial Recovery Act; and

WHEREAS, the stay of any liability to enforcement of the code should be terminated upon the denial of the application:

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the said application for an exemption be, and it hereby is denied, and the stay of liability to enforcement of the Code be and it hereby is terminated from the date of the signing of this Order.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By ARMIN W. RILEY, *Division Administrator*.

Approval recommended:

WELD M. STEVENS,  
*Deputy Administrator*.

WASHINGTON, D. C.,  
*October 20th, 1934.*

## ADMINISTRATIVE ORDER NO. 334-12

PRICE LISTS, STAYING CODE PROVISIONS RELEVANT TO FILING OF

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 ORDER, CODE OF FAIR COMPETITION FOR THE BEVERAGE DISPENSING EQUIPMENT INDUSTRY—STAY OF THE PROVISIONS OF ARTICLES VIII, SECTION 2

WHEREAS, Article VIII, Section 2 of the Code of Fair Competition for the Beverage Dispensing Equipment Industry provides: "In the event of any change by any member of the industry in any price, maximum discount, specification, term or condition of sale, he shall file full and complete copies of every such change with the Code Authority, but not exceeding seven (7) days in advance of the effective date of any such change"; and

WHEREAS, justice requires that appropriate relief be granted from the said provisions of the said Code;

NOW, THEREFORE, the National Industrial Recovery Board, pursuant to authority vested in it, does hereby order that the said provisions of said Article, insofar as they prescribe a waiting period between the filing with the Code Authority and the effective date of revised price lists or revised terms and conditions of sale, be and they are hereby permanently stayed.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator*.

OCTOBER 20, 1934.

## ADMINISTRATIVE ORDER NO. X-102

GOVERNMENT CONTRACTS AND CONTRACTS INVOLVING THE USE OF  
GOVERNMENT FUNDS

## APPLICATION OF EXECUTIVE ORDER 6646

EXCEPTION No. 54

OCTOBER 22, 1934.

UPON THE RECOMMENDATION OF THE RECONSTRUCTION FINANCE  
CORPORATION

By virtue of the delegation of authority by the President of the United States, the following exception from the operation of Executive Order 6646 is hereby made:

"Loan contract for \$15,000,000.00 between the Reconstruction Finance Corporation and the Metropolitan Water District of Southern California; (a) *Provided* said Metropolitan Water District shall comply strictly with Chapter 1039, Statutes of 1933, Section 4, of the State of California; and

(b) *Further Provided*, said Metropolitan Water District of Southern California shall request all persons submitting bids to furnish certificates of compliance to each Code of Fair Competition approved under Title I of National Industrial Recovery Act, to which they are subject, or if there be no such Code for the whole or any portion thereof, then to that extent with the President's Reemployment Agreement; and

(c) *Further Provided*, that the said Metropolitan Water District of Southern California shall comply with any and all Codes of Fair Competition approved under Title I of the National Industrial Recovery Act which would apply to private persons or concerns for any operations or enterprises undertaken by it in competition with private industry."

NATIONAL INDUSTRIAL RECOVERY BOARD  
By S. CLAY WILLIAMS, *Chairman*.

WASHINGTON, D. C.,



## ADMINISTRATIVE ORDER NO. 60-232

ORDER, CODE OF FAIR COMPETITION FOR THE RETAIL TRADE—  
RATIFYING ACTION OF THE DEPUTY ADMINISTRATOR IN CHARGE  
OF THE CODE OF FAIR COMPETITION FOR THE RETAIL TRADE ON  
PETITIONS FOR EXEMPTION

WHEREAS, the Deputy Administrator in charge of the Code of Fair Competition for the Retail Trade has granted or denied petitions for exemption in the name of the Division Administrator of Division Four, pursuant to Division Four Instruction No. 46, dated May 15, 1934, and

WHEREAS, Office Memorandum No. 248 provides that the authority to grant or deny exemptions cannot be delegated by the Division Administrator,

NOW, THEREFORE, pursuant to authority vested in me by the Administrator for Industrial Recovery and otherwise, I do hereby order that all exemptions granted or denied prior to this date by the Deputy Administrator in charge of the Code of Fair Competition for the Retail Trade be and they are hereby ratified and adopted.

ROBERT L. HOUSTON,  
*Division Administrator, Division Four.*

OCTOBER 22, 1934.

## ADMINISTRATIVE ORDER NO. X-103

GOVERNMENT CONTRACTS AND CONTRACTS INVOLVING THE USE OF  
GOVERNMENT FUNDS

## APPLICATION OF EXECUTIVE ORDER 6646

EXCEPTION No. 55

OCTOBER 23, 1934.

UPON THE RECOMMENDATION OF THE NAVY DEPARTMENT, THROUGH  
THE PROCUREMENT DIVISION, TREASURY DEPARTMENT

By virtue of the delegation of authority by the President of the United States, the following exception from the operation of Executive Order 6646 is hereby made:

“Contract with the Winchester Repeating Arms Company for 170,000 priming caps, No. 2½, and 35,000 Winchester Caps, No. 1-W Improved.”

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer*.

WASHINGTON, D. C.

## ADMINISTRATIVE ORDER NO. X-104

GOVERNMENT CONTRACTS AND CONTRACTS INVOLVING THE USE OF  
GOVERNMENT FUNDS

## APPLICATION OF EXECUTIVE ORDER 6646

EXCEPTION NO. 56.

OCTOBER 23, 1934.

UPON THE RECOMMENDATION OF THE FEDERAL EMERGENCY  
ADMINISTRATION, OF PUBLIC WORKS

By virtue of the delegation of authority by the President of the United States, the following exception from the operation of Executive Order 6646 is hereby made:

“Contract with the Chicago Title and Trust Company for the examination of titles to different parcels of land in area to be acquired by the United States.”

NATIONAL INDUSTRIAL RECOVERY BOARD

By G. A. LYNCH, *Administrative Officer*.

WASHINGTON, D. C.

## ADMINISTRATIVE ORDER NO. X-105

GOVERNMENT CONTRACTS AND CONTRACTS INVOLVING THE USE OF  
GOVERNMENT FUNDS

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## APPLICATION OF EXECUTIVE ORDER 6646

EXCEPTION NO. 58

OCTOBER 23, 1934.

UPON THE RECOMMENDATION OF THE DEPARTMENT OF AGRICULTURE,  
THROUGH THE PROCUREMENT DIVISION, TREASURY DEPARTMENT

By virtue of the delegation of authority by the President of the  
United States, the following exception from the operation of Executive  
Order 6646 is hereby made:

“Lease for the rental of approximately 40,000 square feet  
of storage space in the Spengel Warehouse, Denver, Colorado.”

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer*.

WASHINGTON, D. C.

## ADMINISTRATIVE ORDER NO. 508-3

ORDER, CODE OF FAIR COMPETITION FOR THE INDUSTRY OF WHOLESALING PLUMBING PRODUCTS, HEATING PRODUCTS AND/OR DISTRIBUTING PIPE, FITTINGS, AND VALVES—MODIFICATION OF ORDER OF APPROVAL INsofar AS SAID ORDER GRANTED EXEMPTION TO MEMBERS OF THE WHOLESALE HARDWARE TRADE FROM THE PROVISIONS OF THE CODE OF FAIR COMPETITION FOR THE INDUSTRY OF WHOLESALING PLUMBING PRODUCTS, HEATING PRODUCTS AND/OR DISTRIBUTING PIPE, FITTINGS, AND VALVES

WHEREAS, on August 25, 1934, Hugh S. Johnson, Administrator for Industrial Recovery, by his Order, approved the Code of Fair Competition for the Industry of Wholesaling Plumbing Products, Heating Products and/or Distributing Pipe, Fittings, and Valves, and

WHEREAS, said Order of Approval provides in part exemption from the provisions of this Code to members of the Wholesale Hardware Trade who are complying with the provisions of the Code of Fair Competition for the Wholesaling and Distributing Trade and the Supplemental Code of Fair Competition for the Wholesale Hardware Trade pending further Order, and

WHEREAS, it now appears to the satisfaction of the National Industrial Recovery Board that continuation of this complete exemption will not tend to effectuate the purposes of Title I of the National Industrial Recovery Act and may result in unfair competitive advantages to members of the Wholesale Hardware Trade;

NOW, THEREFORE, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, and as successor to all powers heretofore vested in the Administrator for Industrial Recovery, does hereby order that the above exemption be terminated pending its further order, and that the previous approval of the Code of Fair Competition for the Industry of Wholesaling Plumbing Products, Heating Products and/or Distributing Pipe, Fittings, and Valves be modified only to terminate this exemption; provided, also that nothing herein contained shall be so construed as to modify said Order in any other respect whatsoever and that the approval of said Code shall remain in full force and effect subject only to the modifications of conditions thereof herein contained.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

ROBERT L. HOUSTON,  
*Division Administrator*.

WASHINGTON, D. C.,  
*October 23, 1934.*

## ADMINISTRATIVE ORDER NOS. 5-16 AND 373-17

CODE AUTHORITY, STAYING CODE PROVISIONS OF THE COAT AND SUIT INDUSTRY RELEVANT TO—ELECTION UNTIL INFANTS' AND CHILDRENS' WEAR CODE IS AMENDED

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ORDER, CODE OF FAIR COMPETITION FOR THE COAT AND SUIT INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE VI, SECTION 1, PARAGRAPH B, SUB-DIVISION 7

WHEREAS, Article VI, Section 1, Paragraph B, Sub-division 7 of the Code of Fair Competition for the Coat and Suit Industry provides that one member of the Code Authority for said Industry shall be selected from the Infants' and Children's Coat Association; and

WHEREAS, an application has been made by the Code Authority for the Coat and Suit Industry for a stay of the operation of the aforesaid provision; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board by Executive Orders of the President, including Executive Order No. 6859, and otherwise; it is hereby ordered that the operation of said provisions of said Code be and it is hereby stayed as to all parties subject thereto until such time as the Code of Fair Competition for the Infants' and Children's Wear Industry has been amended to provide for the appointment of a member to the Code Authority for the Infants' and Children's Wear Industry who shall represent the Coat and Suit Industry.

This Order is subject to revocation at any time.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 25, 1934.*

## ADMINISTRATIVE ORDER NO. 451-7

## HOMEWORKERS WAGES, CONTINUING STAY OF THE SCALE FOR

ORDER, CODE OF FAIR COMPETITION FOR THE CANDLEWICK BEDSPREAD INDUSTRY—GRANTING APPLICATION FOR A CONTINUATION OF THE STAY OF THE PROVISIONS OF ARTICLE IV, SECTION 2, OF THE CODE

WHEREAS, the provisions of Article IV, Section 2, of the Code of Fair Competition for the Candlewick Bedspread Industry approved June 1, 1934, were stayed until July 16, 1934 by the provisions of the Order approving said Code; and

WHEREAS, said stay of the provisions of said Article IV, Section 2, was continued to October 13, 1934, by Orders No. 451-5 and No. 451-6 dated August 28, 1934, and October 3, 1934, respectively; and

WHEREAS, an application has been made by the Code Authority for the Candlewick Bedspread Industry, Dalton, Georgia, for a further continuation of said stay of said provisions of Article IV, Section 2, of the Code of Fair Competition for the Candlewick Bedspread Industry; and

WHEREAS, the Deputy Administrator has reported and it appears that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders, and otherwise, hereby orders that the operation of Article IV, Section 2, of said Code, insofar as it provides for the compensation to home workers of 8¢ per ounce of yarn used for work on 60/60 spreads and 10¢ per ounce of yarn used for work on 64/64 spreads, be and it is hereby stayed as to all parties subject thereto from October 13, 1934, until December 31, 1934, on condition that in the interim members of the Industry pay to home workers not less than 6¼¢ per ounce of yarn used for work on 60/60 spreads and not less than 8¢ per ounce for yarn used for work on 64/64 spreads, pending further order of the National Industrial Recovery Board.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator*.

WASHINGTON, D. C.,  
*October 25, 1934.*

## ADMINISTRATIVE ORDER NO. 42-9

## ORDER, CODE OF FAIR COMPETITION FOR THE LUGGAGE AND FANCY LEATHER GOODS INDUSTRY—APPROVAL OF METHODS OF COST FINDING AND ACCOUNTING

An application having been duly made by the Code Authority of the Luggage and Fancy Leather Goods Industry for approval of Methods of Cost Finding and Accounting submitted by it for review pursuant to the provisions of Article VI, Section 10 (a) of the Code of Fair Competition for said Industry and the Deputy Administrator having rendered a report recommending approval of said Methods of Cost Finding and Accounting, the originals thereof being on file with the National Recovery Administration:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, by said Article and Section of said Code, and otherwise, does hereby make the following findings, approvals, and orders:

1. The said report and recommendation of the Deputy Administrator is hereby adopted and incorporated herein by reference.

2. It does hereby find that said Methods of Cost Finding and Accounting are reasonable, do not permit uniform additions, percentages, or differentials or other uniform items of cost which are designed to bring about arbitrary uniformity of costs or prices, and will promote the policies of Title I of the National Industrial Recovery Act.

3. It does hereby order that said Methods of Cost Finding and Accounting be and they hereby are approved and that as so approved they shall be made available to all members of the Industry and thereafter, each member of the Industry shall utilize such methods to the extent found practicable, as provided in said Article and Section of the said Code.

4. Said Methods of Cost Finding and Accounting shall become effective fifteen days from the date of this order, unless good cause to the contrary be shown to us prior to said effective date and a subsequent order to that effect issued.

THE NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
October 25, 1934.



## ADMINISTRATIVE ORDER NO. 260-13

## ORDER, CODE OF FAIR COMPETITION FOR THE ORNAMENTAL MOLDING, CARVING AND TURNING INDUSTRY—OPERATIONS OR OCCUPATIONS DEEMED HAZARDOUS OR DETRIMENTAL TO THE HEALTH OF PERSONS UNDER EIGHTEEN YEARS OF AGE

The Code Authority for the Ornamental Molding, Carving and Turning Industry, in accordance with Section 1, of Article V, of the Code of Fair Competition for the Ornamental Molding, Carving and Turning Industry, has submitted to the National Industrial Recovery Board a list of occupations deemed hazardous in nature or detrimental to the health of persons under eighteen (18) years of age in this industry, within the meaning of Section 1 of Article V, which are as follows:

## I. Occupations Involving General Hazards.

1. Firing of steam or water boilers (except boilers of not more than 15 lbs. pressure used solely for heating purposes.)
2. As drivers of motor vehicles or as delivery boys on motor vehicles.
3. In, or assisting in, the operation of gas, oil, or steam engines or other prime movers.
4. In the care, custody, operation or repair of elevators, cranes, derricks or other hoisting apparatus, except in the operation of (1) dumbwaiters as defined by the American Standards Association, or (2) of elevators equipped only for automatic operation.
5. In the handling of lumber weighing more than 75 pounds per board or in the lifting, lowering and/or carrying of objects weighing more than 75 pounds.

## II. Occupations Involving Specific Mechanical Hazards—Machine Work. (Prohibition to apply to operating, or assisting in operating, except as offbearer, the following machines:)

6. Operation of lathes or of wood-working machinery involving the use of moving knives, saws, drills, bits and/or cutters.
7. Machinery having a heavy rolling or crushing action.
8. Roller mixers, pug mills, putty chasers, or molding machinery of the pressure type.
9. Punch presses, embossing presses, or stamping machines if the clearance between the ram or the die and the stripper or work exceeds one-fourth inch.
10. In the operation of metal-working milling machines, lathes, drill presses, shapers, planers, grinders, or similar machines.
11. In oiling, cleaning or wiping machinery in motion.
12. In applying belts to a pulley in motion or assisting therein.

### III. Occupations Involving Health Hazards.

13. All work in spray painting.

14. In all processes where substances containing lead or any of its compounds are used in a liquid or powdered form or at a temperature sufficient to vaporize lead.

15. In processes where quartz or any other form of silicon dioxide or an asbestos silicate is present in powdered form, except processes involving the use of sand-paper, sand-cloth, or sand-belts.

16. Work involving exposure to benzol or any benzol compound which is volatile or which can penetrate the skin.

Pursuant to Section 1 of Article V, I do hereby approve the recommendation of the Code Authority that work performed in the operations listed above is hazardous in nature and is detrimental to health within the meaning of Section 1 of Article V, and order that it shall have the same force and effect as other provisions of the Code, this Order to become effective fifteen (15) days after the date hereof, unless prior to that date good cause to the contrary shall have been shown to me and I have, by my further Order, otherwise determined.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By W. P. ELLIS, *Acting Division Administrator.*

Approval recommended:

A. C. DIXON,  
*Deputy Administrator.*

WASHINGTON, D. C.,  
*October 25, 1934.*

## ADMINISTRATIVE ORDER NO. 211-16

HOURS AND WAGES, GRANTING TOLERANCE FROM CODE PROVISIONS  
RELEVANT TO

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ORDER, CODE OF FAIR COMPETITION FOR THE ROBE AND ALLIED  
PRODUCTS INDUSTRY—GRANTING APPLICATION FOR A STAY  
OF PROVISIONS OF ARTICLE III, SECTIONS 1 AND 5 OF THE CODE

WHEREAS, an application has been made by the Code Authority for the Robe and Allied Products Industry for a stay of the operation of provisions of Article III, Sections 1 and 5 of the Code of Fair Competition for the Robe and Allied Products Industry; and

WHEREAS, the Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said Code be and it is hereby stayed as to all parties subject thereto, to the extent that any member of the Industry who does not avail himself of the privilege granted to operate his pressing department on a double shift as provided for in Order No. 211-13 of September 27, 1934 may be granted permission to operate his pressing department eight (8) hours overtime weekly from the date hereof up to and including November 17, 1934, provided that not less than time and one-half the normal wage rate is paid for all such overtime; and provided further that any member who works his pressing department overtime shall submit to the Code Authority a report from the local office of the United States Employment Service (if there be one) as to the availability of employees in that locality.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 25, 1934.*

## ADMINISTRATIVE ORDER NO. 308 D-9

## ORDER, SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE ATLANTIC MACKEREL FISHING INDUSTRY (A DIVISION OF THE FISHERY INDUSTRY)—RESCINDING CURTAILMENT OF PRODUCTION OF MACKEREL—ARTICLE VIII, TITLE C, SECTION 2

WHEREAS, Article VIII, Title C, Section 2 of the Supplementary Code of Fair Competition for the Atlantic Mackerel Fishing Industry (a Division of the Fishery Industry) provides:

SECTION 2. If the Administrator shall find at any time that any determination effected pursuant to the provisions of paragraphs (c), (d) or (e) of Section 1 of Title C of this Article does not effectuate the policy of the Act he shall forthwith cause the same to be no longer operative;

WHEREAS, the Executive Committee for said industry in accordance with the provisions of Article VIII, Title C, Section 1, paragraph (c) of said Code estimated that the consumer demand for mackerel would be approximately two million, two hundred thousand pounds per week for the balance of the season;

WHEREAS, said Executive Committee, from said estimate and after due consideration of boat tonnage and crew size, and in accordance with the provisions of Article VIII, Title C, Section 1, paragraph (d) of said Code, determined that the poundage of mackerel that may be landed from any trip by purse seine boats of twenty or less gross tons shall be five thousand pounds, plus one thousand pounds for each crew member including the captain; and that the poundage of mackerel that may be landed from any trip by purse seine boats of more than twenty gross tons shall be five thousand pounds, plus one thousand pounds for each crew member including the captain, plus fifty pounds for each gross ton in excess of twenty;

WHEREAS, the Administrator on August 6, 1934, approved said estimate of said Executive Committee of consumer demand for mackerel and said determination of said Executive Committee limiting the poundage of mackerel that may be landed from any trip by purse seine boats, said estimate and determination to remain in effect until October 31, 1934, unless by further order the Administrator should direct otherwise;

WHEREAS, said Executive Committee in accordance with the provisions of Article VIII, Title C, Section 1, paragraph (e) of said Code on August 4, 1934, adopted Regulation No. 8 which was approved on that date by the Administration Member of said Executive Committee, subject to the review of the Administrator. Upon review the Administrator did not disturb said Executive Committee's determination;

WHEREAS, said Administration Member recommends that inasmuch as conditions in the mackerel fishery have changed since the

promulgation of the Administrative Order and the Executive Committee regulation under the provisions of Article VIII, Title C, Section 1, paragraphs (c), (d) and (e) of said Code so that said order and regulation no longer effectuate the policy of the Act, said order and regulation be declared to be no longer operative; and

WHEREAS, the Acting Deputy Administrator has reported and it appears to the satisfaction of the National Industrial Recovery Board that the following Order is merited and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby declare all estimates and determinations of the Executive Committee of the Code of Fair Competition for the Atlantic Mackerel Fishing Industry (A Division of the Fishery Industry) effected pursuant to the provisions of Article VIII, Title C, Section 1, paragraphs (c), (d) and (e) of said Code to be no longer operative in the mackerel fishery.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

ARMIN W. RILEY,  
*Divisional Administrator.*

WASHINGTON, D. C.,  
*October 26, 1934.*

## ADMINISTRATIVE ORDER NO. X-106

## INTERPRETATION OF CODE PROVISIONS RELATING TO COLLECTION OF EXPENSES OF CODE ADMINISTRATION (SIMILAR TO THE CLAUSES SET FORTH IN EXECUTIVE ORDER NO. 6678)

*Applicants.*—Research and Planning Division, National Recovery Administration  
and

Contributions Section, Compliance Division, National Recovery Administration.

*Facts.*—Where provisions relating to collection of expenses of code administration similar to the clauses set forth in Executive Order No. 6678, dated April 14, 1934, have been incorporated in a code by amendment subsequent to the approval of such code, may there be submitted and approved under such clauses a budget and basis of contribution which includes provision for (a) payment of expenses incurred prior to the approval of such amendment but after the date of approval of said code in order to support the administration thereof, and (b) equitable contribution of funds necessary to meet such expenses, with due credit for any contributions made for such purpose subsequent to the approval of the code but prior to the approval of such budget and basis of assessment?

*Interpretation.*—Provisions in codes relating to collection of expenses of code administration which are similar to the clauses set forth in Executive Order No. 6678 dated April 14, 1934, are hereby interpreted as follows:

There may be submitted and approved under any such clauses in any code a budget and basis of contribution which includes provision for:

(a) Payment of any and all expenses properly incurred from and after the date of approval of said code in order to support the administration thereof, to maintain the standards of fair competition established thereby, and to effectuate the policy of the National Industrial Recovery Act; and

(b) Equitable contribution of funds necessary to meet expenses as aforesaid by members of the industry for the period from and after the date of approval of said code, with due credit for any contributions made to the Code Authority in such period for said purpose by any member of the industry prior to the approval of any such budget and basis of contribution.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

WASHINGTON, D. C.,  
October 26, 1934.

## ADMINISTRATIVE ORDER NO. 212-17

ORDER, CODE OF FAIR COMPETITION FOR THE DRAPERY AND UPHOLSTERY TRIMMING INDUSTRY—EXTENSION OF CODE FOR THREE MONTHS TO JANUARY 26, 1935

WHEREAS, the Code of Fair Competition for the Drapery and Upholstery Trimming Industry became effective January 26, 1934 and was approved for six months from said date until July 26, 1934; and

WHEREAS, upon application of the Code Authority said Code was extended pursuant to Article XI for a period of three months until October 26, 1934; and

WHEREAS, the Code Authority has made application for further extension of the Code pursuant to Article XI, and the Deputy Administrator has reported and it appears to our satisfaction that said Code should be extended for an additional three months;

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order # 6859, and otherwise; does hereby incorporate by reference said annexed report and does find that the extension of said Code will promote the policy and purposes of Title I of the National Industrial Recovery Act; and does hereby order that said Code of Fair Competition be and it is hereby extended three months from the date of October 26, 1934 to January 26, 1935, provided, that a Coordinating Committee, to consist of four members, two of whom shall be selected by Code Authority of the Drapery and Upholstery Trimming Industry and two by the Code Authority of the Narrow Fabrics Industry, shall be established forthwith; and provided, further, that the Coordinating Committee shall report to the Deputy Administrator on, or before, December 15, 1934 its findings and make recommendations as to the consolidation of the Code of Fair Competition for the Drapery and Upholstery Trimming Industry with the Code of Fair Competition for the Narrow Fabrics Industry.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

PRENTISS L. COONLEY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 26, 1934.*

## ADMINISTRATIVE ORDER NO. 25-10

COST PROVISIONS, CONTINUING STAY OF CODE PROVISIONS  
APPLICABLE TOORDER, CODE OF FAIR COMPETITION FOR THE OIL BURNER  
INDUSTRY—GRANTING APPLICATION FOR AMENDMENT TO  
A STAY OF THE PROVISIONS OF ARTICLES V AND VI

WHEREAS, Administrative Order No. 25-6 was issued under date of September 30, 1934, which stayed the provisions of Articles V and VI of the Code of Fair Competition for the Oil Burner Industry, until the election of a new Code Authority has been duly recognized; and

WHEREAS, a new Code Authority has been elected in accordance with the provisions of the amendment to the said Code for the Oil Burner Industry, approved September 17, 1934, the members of which are this day being certified as the Code Authority for said Oil Burner Industry; and

WHEREAS, said Code Authority, as thus certified, has requested that the above-mentioned Administrative Order No. 25-6 be amended by continuing the stay of the provisions of Article V for a period of thirty (30) days from the date of this Order; and

WHEREAS, the Assistant Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board, that good and sufficient reason exists for continuing the stay as to the provisions of said Article V for thirty (30) days longer, and that such action will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in said Board, it is hereby ordered that Administrative Order No. 25-6 be, and it is hereby amended to the extent of continuing the stay therein ordered, insofar as the provisions of Article V are concerned, for a period of thirty (30) days from the date of this Order. The stay as to the provisions of Article VI of said Code for the Oil Burner Industry is terminated as of this date in accordance with the provisions of said Administrative Order No. 25-6.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

BARTON W. MURRAY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*October 26, 1934.*



## ADMINISTRATION ORDER NO. 489-S

## EQUITABLE ADJUSTMENT OF WAGES ABOVE THE MINIMUM

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ORDER, CODE OF FAIR COMPETITION FOR THE SAFETY RAZOR AND SAFETY RAZOR BLADE MANUFACTURING INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE IV, SECTION 5

WHEREAS, an application has been made by the National Association of Safety Razor and Blade Manufacturers, Inc. for a stay of the operation of the provisions of Article IV, Section 5, of the Code of Fair Competition for the Safety Razor and Safety Razor Blade Manufacturing Industry; and

WHEREAS, the Deputy Administrator has reported, and it appears to the National Industrial Recovery Board that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to the authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of the said provisions of said code, be and it is hereby, stayed as to all parties subject thereto for a period of sixty (60) days from August 31, 1934 in which to file the required reports to the Code Authority.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Order recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

H. FERRIS WHITE,  
*Deputy Administrator.*

OCTOBER 26, 1934.

## ADMINISTRATIVE ORDER NO. 429-8

GUARANTEE AGAINST PRICE DECLINES, STAY OF CODE PROVISIONS  
APPLICABLE TOORDER, CODE OF FAIR COMPETITION FOR THE CANNED SALMON  
INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE PRO-  
VISIONS OF ARTICLE VII, RULE 4

WHEREAS, an application has been made by the Code Authority for the Canned Salmon Industry, located at 1440 Exchange Building, Seattle, Washington, for a stay of the operation of the provisions of Article VII, Rule 4, of the Code of Fair Competition for the Canned Salmon Industry; and

WHEREAS, an opportunity to be heard has been duly afforded to all interested parties, and the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board, that the stay herein granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said code be and it is hereby stayed, as to all parties subject thereto until and including December 31, 1934.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator*.

WASHINGTON, D. C.,  
*October 27, 1934.*

## ADMINISTRATIVE ORDER NO. 436-14

ORDER, CODE OF FAIR COMPETITION FOR THE FUR MANUFACTURING INDUSTRY—REVOKING ADMINISTRATIVE ORDER NUMBER 436-9, DATED AUGUST 6, 1934, AND DIVISION ADMINISTRATIVE ORDER NUMBER 436-7, DATED JULY 23, 1934, DESIGNATING, AS MEMBERS OF THE TEMPORARY FUR MANUFACTURING CODE AUTHORITY, WILLIAM GREENFIELD OF LEO GREENFIELD AND SON, 20 WEST 33RD STREET, NEW YORK CITY, AND R. E. ALBRECHT, 6TH AND MINNESOTA STREETS, ST. PAUL, MINNESOTA

WHEREAS, R. E. Albrecht, 6th and Minnesota Streets, St. Paul, Minnesota, resigned from the Temporary Fur Manufacturing Code Authority and his resignation was accepted effective October 1, 1934 and,

WHEREAS, an audit of the books of Leo Greenfield and Son, 20 West 33rd Street, New York City, reveals the fact that this firm is primarily interested in the Retail Custom Fur Manufacturing Trade rather than in the Fur Manufacturing Industry, and it appears that Mr. William Greenfield, a member of this firm, will therefore be ineligible to serve as a member of the Temporary Code Authority of the Fur Manufacturing Industry.

NOW, THEREFORE, pursuant to the authority vested in the National Industrial Recovery Board, it is hereby ordered that Administrative Order Number 436-9, dated August 6, 1934, and Division Administrative Order Number 436-7, dated July 23, 1934, be and they are hereby revoked.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative officer.*

Approval recommended:

HARRY S. BERRY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 27, 1934.*

## ADMINISTRATIVE ORDER NOS. 510-2 AND 201V-4

TERMS, STAY OF THE CODE PROVISIONS OF THE ASSEMBLED WATCH INDUSTRY RELEVANT TO TERMS, SUBJECT TO COMPLIANCE WITH PROVISIONS OF CODE OF WHOLESALE JEWELRY INDUSTRY APPLICABLE

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ORDER, CODE OF FAIR COMPETITION FOR THE ASSEMBLED WATCH INDUSTRY—GRANTING OF APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE VIII, SECTION 17 (a)

WHEREAS, an application has been made by the Code Committee of the Assembled Watch Industry, for a stay of the operation of the provisions of Article VIII, Section 17 (a) of the Code of Fair Competition for the Assembled Watch Industry; and

WHEREAS, the Assistant Deputy Administrator has reported and it appears to its satisfaction that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said Code be, and they are hereby stayed as to all parties subject thereto for a period of sixty days (60 days) from the date hereof, provided that the provisions of Article IV of Schedule A, Sections 2 (a), (b) and (c) of the Supplementary Code of Fair Competition for the Wholesale Jewelry Trade are observed.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Order recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*October 29, 1934.*

## ADMINISTRATIVE ORDER NO. 244-39

## BIDS, RULES FOR ACCEPTING OR REJECTING

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CODE OF FAIR COMPETITION FOR THE CONSTRUCTION INDUSTRY—GRANTING APPLICATION FOR AN EXEMPTION FROM THE PROVISIONS OF SECTION 10, ARTICLE VII, CHAPTER I OF THE CODE OF FAIR COMPETITION FOR THE CONSTRUCTION INDUSTRY

WHEREAS, application has been made by the Code Authority for the Construction Industry for an exemption from that part of the provisions of Section 10, Article VII of Chapter I of the Code of Fair Competition for the Construction Industry which requires the awarding authority under said Code to award or reject all bids within certain periods therein specified, because of the requirements for classifying and checking bids by the Procurement Division of the Treasury Department; and

WHEREAS, it appears in said application that the times stipulated in said section within which the awarding or rejecting of all bids shall be made are insufficient on projects of the Procurement Division of the Treasury Department, and that on said projects a period of thirty-five (35) days is necessary to determine whether on bids submitted under said section an award should be made or all bids rejected, and that said period of thirty-five (35) days should be allowed in lieu of the periods specified in said section on said projects; and

WHEREAS, it satisfactorily appears that the exemption herein-after granted with the conditions therein stated is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, an exemption is hereby granted to all members of the Construction Industry in respect to all bids subject to the provisions of said section and submitted in connection with projects of the Procurement Division of the Treasury Department from the provisions of Section 10, Article VII, Chapter I of the Code of Fair Competition for the Construction Industry relating to the time within which an award shall be made or all bids rejected, to the extent that in connection with all bids upon which, except for this Order, an award or the rejection of all bids would be required within the periods specified in said section, the period for making such award or rejecting all bids shall be thirty-five (35) days in lieu of the periods now prescribed in said section, and provided that all other provisions of said section shall remain in full force and effect and shall be observed.

PROVIDED, HOWEVER, that this exemption shall not become effective for a period of ten (10) days in order that consideration may be given to the objections, if any, of interested parties thereto; at the expiration of which period this exemption shall become effective until by order it is otherwise determined.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By WALTER G. HOOKE,  
*Acting Division Administrator.*

Order recommended:

ROBT. N. CAMPBELL,  
*Deputy Administrator.*

WASHINGTON, D. C.,  
*October 29, 1934.*

## ADMINISTRATIVE ORDER NO. 146-18

## CODE OF FAIR COMPETITION FOR THE EXCELSIOR AND EXCELSIOR PRODUCTS INDUSTRY—STAY OF THOSE PROVISIONS OF THE GRADE STANDARDS AND CLASSIFICATIONS OF INDUSTRY PRODUCTS APPLICABLE TO USED MATERIAL

WHEREAS, on May 26, 1934, pursuant to the provisions of Article VI, Section 2, Subsection (c) of said Code, the Administrator for Industrial Recovery approved the Grade Standards and Classifications of Industry Products for the Excelsior and Excelsior Products Industry, attached hereto, marked Exhibit "A", and hereby made a part hereof, and

WHEREAS, such Grade Standards and Classifications of Industry Products, as approved by said Administrator for Industrial Recovery, provide in part as follows: "The term 'Used Material' is defined as paper that has been in circulation or used for other purposes prior to being converted into paper excelsior. Paper known to the waste paper industry as folded, sorted or baled news to be classed as used material. Paper accumulated at random from hospitals, apartment houses, private residences, department stores or public and office buildings shall be classed as used material. All used material shall be sterilized.", and

WHEREAS, application has been duly made by the Code Authority for the Excelsior and Excelsior Products Industry, acting on behalf of the members of said Industry, for a stay of the last sentence of the above quoted provision of said Grade Standards and Classification of Industry Products for said Industry, which reads as follows: "All used material shall be sterilized", and

WHEREAS, it appears to the satisfaction of the National Industrial Recovery Board that the stay hereinafter granted will tend to effectuate the policies of Title I of the National Industrial Recovery Act.

NOW, THEREFORE, pursuant to the Authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of the last sentence of the above quoted provision of said Grade Standards and Classification of Industry Products be and it is hereby stayed, as to all parties subject thereto, for a period of sixty (60) days, unless prior to the termination of that time the National Industrial Recovery Board shall have determined that a modification of said provision is warranted and shall, by its further Order, approve a modification thereof.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

W. P. ELLIS,  
*Acting Division Administrator*.

WASHINGTON, D. C.,  
October 29, 1934.

## ADMINISTRATIVE ORDER NO. 145-28

ORDER, CODE OF FAIR COMPETITION FOR THE FURNITURE MANUFACTURING INDUSTRY—GRANTING EXEMPTION TO MEMBERS OF THE FURNITURE MANUFACTURING INDUSTRY WHO EMPLOY HAND WEAVERS OF CHAIR SEATS AND BACKS MADE OF CANE, RATTAN, AND/OR OTHER MATERIALS, WHO COMPENSATE SUCH EMPLOYEES ON A PIECE-WORK BASIS, FROM THE PROVISIONS OF ARTICLES III AND IV

WHEREAS, certain employees engaged in the Furniture Manufacturing Industry in the hand weaving of chair seats and backs made of cane, rattan, and/or other materials and are compensated on a piece-work basis; and

WHEREAS, Article IV of the Code establishes a minimum rate of pay, regardless of whether an employee is compensated on a time rate, piece-work or other basis, which minimum rate of pay is in excess of the piece-work earnings of such employees; and

WHEREAS, evidence presented at the hearing in the matter of home work conducted on March 19, 1934, and subsequently at the hearing before the Industrial Appeals Board on the petition for exemption of the Troutman Chair Company, et al., shows that the application to such employees of Articles III and IV creates a hardship on those members of the Industry employing such employees, tending to cause a serious curtailment in the manufacture of double bottom cane chairs with the resultant decrease of employment and earning power of such employees; and

WHEREAS, the Deputy Administrator and the Assistant Deputy Administrator have recommended that relief from such provisions is necessary and it appears to the satisfaction of the National Industrial Recovery Board that the exemption hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the members of the Industry employing such employees be and they hereby are exempted from the date of this Order from said provisions of said Code unless a further Order terminates or otherwise modifies this exemption, subject, however, to the following conditions:

1. This exemption shall apply only to work given out for processing in homes and only to the hand-weaving of double woven chair seats and backs made of cane, rattan, and/or other materials.

2. No worker performing the process named above shall be paid at less than the following piece-work rates:

(A) For herringbone weave, using regular material not less than 5 m/m in width, not less than 8 cents per 100 square inches



of surface area. Material less than 5 m/m in width shall not be used.

(B) For herringbone weave, using material not less than 6 m/m in width for the warp strands and not less than  $7\frac{1}{2}$  m/m in width for the weaving strands, not less than  $6\frac{1}{2}$  cents per 100 square inches of surface area.

(C) For basket weave, using the regular material described in paragraph (A), not less than 7 cents per 100 square inches of surface area. Material less than 5 m/m in width shall not be used.

(D) For basket weave, using the wider material described in paragraph (B), not less than 6 cents per 100 square inches of surface area.

(E) The surface area is the area of the top of the seat or the front of the back. The surface area of a seat not square or rectangular shall be determined by using the average width and depth. In determining the surface area of backs the concave measurement shall be used. All measurements shall be from the outer edges of the seat or backframe. Any chair having a surface area from 180 to 200 square inches shall be figured at 200 square inches.

3. The employer at his own expense shall collect all caned chairs from each home worker at least once a week.

4. No home workers shall be permitted to work more than 40 hours a week. The employer shall not give out work in such quantity that will require the services of a home worker for more than 40 hours per week.

5. Certificates shall be issued by the Code Authority to be signed by the home worker and the employer. The home worker, employer and the National Recovery Administration shall be given a copy of each certificate granted a home worker. Each certificate shall include, among other things, the name, address and age of the home worker, the name and address of the firm giving out the work, and the name and address of the State N. R. A. Compliance Director for the state in which the home-worker is employed, and the rates, rules and regulations established herein.

Each certificate shall include also the following statement immediately above the space for the signature of the home-worker:

"I certify that no part of this chair caning will be performed by any person other than myself and that I will not work more than 40 hours a week on this work."

6. Any disagreement concerning the quality of the work done and/or the payment of earnings as prescribed herein shall be referred to the State N. R. A. Compliance Director by either of the parties involved.

7. Duplicates of weekly payrolls for such home workers shall be submitted to the National Recovery Administration at the end of each three months period and shall be available to the Administration on call at any time.

If further facts are presented showing that the operation and effect of this Order causes undue hardship, it may be modified, after such notice and hearing as, by further Order, may be prescribed.

NATIONAL INDUSTRIAL RECOVERY BOARD

By KILBOURNE JOHNSTON,

*Acting Division Administrator.*

Approval recommended:

W. L. SCHURZ,

*Deputy Administrator.*

WASHINGTON, D. C.,

*October 29, 1934.*

## ADMINISTRATIVE ORDER NO. 143-10

ORDER, CODE OF FAIR COMPETITION FOR THE WOOL FELT INDUSTRY—  
OPERATIONS OR OCCUPATIONS HAZARDOUS IN NATURE FOR PERSONS  
UNDER EIGHTEEN (18) YEARS OF AGE

The Code Authority for the Wool Felt Manufacturing Industry, in accordance with Article V, Section 1 of the Code, has submitted to the National Industrial Recovery Board for its approval, a list of occupations deemed hazardous in nature to persons under eighteen (18) years of age in this Industry within the meaning of Article V, Section 1, which are as follows:

Carding  
Lapping  
Fulling  
Washing  
Extracting  
Cutting

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby make the following approvals, and orders:

1. The occupations listed above and the recommendation of the Code Authority that said occupations are hazardous in nature and are not to be worked on by any person under eighteen (18) years of age, is hereby adopted and incorporated herein by reference.

2. We do hereby order that the occupations listed above are hereby approved as hazardous in nature for persons under eighteen (18) years of age within the meaning of Article V, Section 1 and that as so approved they shall become a part of said Code and enforceable as such.

3. We do hereby order that the order of the Administrator, No. 143-4, dated March 2, 1934, approving said occupations listed above be and it is hereby revoked upon the report and the recommendations of the Deputy Administrator which are hereby adopted and incorporated herein by reference.

4. This Order shall become effective ten (10) days after the date hereof, unless cause to the contrary shall have been shown to the National Industrial Recovery Board before that date.

HARRY S. BERRY,  
*Acting Division Administrator.*

Approval recommended:

A. HENRY THURSTON,  
*Acting Deputy Administrator.*

OCTOBER 29, 1934.

## ADMINISTRATIVE ORDER NO. 467-25

## ORDER, CODE OF FAIR COMPETITION FOR THE CIGAR MANUFACTURING INDUSTRY—APPROVING PEAK PERIOD HOURS AS PROVIDED IN ARTICLE III, SECTION 1, PARAGRAPH (g)

WHEREAS, the Code of Fair Competition for the Cigar Manufacturing Industry provides in Section 1, of Article III that no employee shall be permitted to work more than forty (40) hours in any one week except:

“(g) Productive employees during two peak seasons per year, provided that the number of weeks and the number of hours per week in each season shall be determined by the Code Authority, subject to the approval of the Administrator.”

and

WHEREAS, at a meeting of the Code Authority, duly held on August 2, 1934, the following resolution was adopted:

“Pursuant to Article III, Section 1, Sub-section (g) the period between August 15 and December 15, 1934, is designated as a peak season. During any thirteen (13) weeks in such period, productive employees shall be permitted to work forty-five (45) hours per week; provided, however, that the hours so worked in excess of forty (40) per week shall not cause the work day to exceed nine (9) hours.”

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that any cigar manufacturer is authorized to permit his productive employees to work in accordance with the peak season as recommended by the Code Authority pursuant to paragraph (g), Section 1 of Article III of the Code of Fair Competition for the Cigar Manufacturing Industry, and hereinbefore set forth, provided, however, that:

1. Any manufacturer wishing to take advantage of the aforesaid peak period shall file with the Code Authority a sworn statement that (a) there is a shortage of suitable labor in his community, or (b) that productive facilities are not available for the employment of additional employees, and

2. This authorization may be cancelled as applied to any manufacturer, if the National Industrial Recovery Board shall find such sworn statement to be unfounded in fact.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator*.

WASHINGTON, D. C.,  
October 30th, 1934.

## ADMINISTRATIVE ORDER NO. 495-7

CODE OF FAIR COMPETITION FOR THE STEEL JOIST INDUSTRY—  
APPROVAL OF APPLICATION FOR THE HANDLING OF LABOR COMPLAINTS BY THE NATIONAL RECOVERY ADMINISTRATION

An application having been duly made by the Code Authority for the Steel Joist Industry for the approval of the plan of having the National Recovery Administration handle all labor complaints arising from violations of the Code of Fair Competition for the Steel Joist Industry and the Assistant Deputy Administrator having recommended such approval and authorization:

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board it is hereby ordered, subject to any pertinent rules and regulations issued by the National Industrial Recovery Board and to the right of it to make such changes in the approval and in the authorization herein granted as may seem to it necessary in order to effectuate the policies of Title I of the National Industrial Recovery Act, that all labor complaints arising from the violation of said Code be referred to the National Recovery Administration for such action as is considered necessary.

NATIONAL INDUSTRIAL RECOVERY BOARD

By WALTER G. HOOKE,

*Acting Division Administrator.*

Approval recommended:

BYRON E. BALL,

*Assistant Deputy Administrator.*

WASHINGTON, D. C.,

*October 30, 1934.*

## ADMINISTRATIVE ORDER NO. 201M-8

SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE ATHLETIC GOODS DISTRIBUTING TRADE—A DIVISION OF THE WHOLESALING OR DISTRIBUTING TRADE—EXTENDING FOR A PERIOD OF SIXTY (60) DAYS FROM THE DATE OF THIS ORDER THE EXPIRATION DATE OF SECTIONS 6 AND 11 OF ARTICLE IV OF THE SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE ATHLETIC GOODS DISTRIBUTING TRADE.

WHEREAS, on July 17, 1934, Hugh S. Johnson, Administrator for Industrial Recovery, by his order, approved the Supplementary Code of Fair Competition for the Athletic Goods Distributing Trade, a Division of the Wholesaling or Distributing Trade; and

WHEREAS, said Order of Approval provides in part that the provisions of Sections 6 and 11 of Article IV are approved for a period of ninety (90) days only, subject to further order at that time as a result of study made by the Standardization Committee (provided for in Paragraph (g), Section 2, Article III); and

WHEREAS, the ninety (90) day period expired on October 16, 1934, and it appears that additional time is required for the Standardization Committee to report on Sections 6 and 11 of Article IV;

NOW, THEREFORE, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, and as successor to all powers heretofore vested in the Administrator for Industrial Recovery, does hereby order that Sections 6 and 11 of Article IV are hereby extended for a period of sixty (60) days from the date of this Order and shall be effective for such time pending further order.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

ROBERT L. HOUSTON,  
*Division Administrator*.

WASHINGTON, D. C.,  
*October 31st, 1934.*

## ADMINISTRATIVE ORDER NO. 84A1-7

## TERMS OF PAYMENT FOR INDUSTRY PRODUCTS, STAYING CODE PROVISIONS APPLICABLE TO

## ORDER, SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE GALVANIZED WARE MANUFACTURING INDUSTRY—GRANTING APPLICATION FOR A STAY OF CERTAIN PROVISIONS OF ARTICLE V, RULE J

WHEREAS, an application has been made by the Supplementary Code Authority for the Galvanized Ware Manufacturing Industry for a stay of the operations of the provisions of that part of Article V, Rule J, of the Supplementary Code of Fair Competition for the Galvanized Ware Manufacturing Industry quoted as follows:

“The standard terms of payment of the Industry shall not be more favorable to the purchaser than two (2) percent for cash payment within ten (10) days from date of invoice, sixty (60) days net -----;”

and

WHEREAS, the Deputy Administrator has reported, and it appears to the National Industrial Recovery Board, that the stay hereinafter granted is necessary and will tend to effectuate the policies of title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to the authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of those provisions, quoted above, of Article V, Rule J, of said Code be, and it is hereby, stayed as to all parties subject thereto for a period of six (6) months from the date hereof to the extent of allowing terms of payment with respect to domestic sales not more favorable than two (2) percent cash discount for payment on or before the tenth day of the month succeeding the date of the invoice, commonly known in the trade as “ten (10) days, E. O. M”, sixty (60) days (from date of invoice) net and with respect to export sales not more favorable than two (2) percent cash discount for payment on or before the tenth day after receipt of documents, commonly known in the trade as “ten (10) days, R. O. D.”, ninety (90) days (from date of invoice) net.

It is further ruled that the National Industrial Recovery Board reserves the right to cancel or modify this Order at anytime from date hereof, provided fifteen (15) days notice of cancellation or modification is given to the Code Authority.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

KILBOURNE JOHNSTON,  
*Acting Division Administrator.*

H. FERRIS WHITE,  
*Deputy Administrator.*

OCTOBER 31, 1934.

## ADMINISTRATIVE ORDER NO. 182-37

CODE OF FAIR COMPETITION FOR THE RETAIL FOOD AND GROCERY TRADE—GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF THE CODE, AS APPLIED TO PRIMARY PRODUCERS OF PRODUCTS OF AGRICULTURE, SELLING AT RETAIL SUCH PRODUCTS IN THEIR NATURAL STATE, WHICH ARE RAISED AND/OR PRODUCED BY THEM

WHEREAS, an application has been made by the National Food and Grocery Distributors' Code Authority for a stay of the provisions of the Code of Fair Competition for the Retail Food and Grocery Trade; and

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board, that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act:

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the provisions of said Code insofar as they may apply to primary producers of products of agriculture selling at retail such products in their natural state which are produced and/or raised by them, be and they are hereby stayed, subject to the further orders of this Board.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By G. A. LYNCH, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator*.

WASHINGTON, D. C.,  
*October 31, 1934.*



## ADMINISTRATIVE ORDER NO. X-108

GOVERNMENT CONTRACTS AND CONTRACTS INVOLVING THE USE OF  
GOVERNMENT FUNDS

## APPLICATION OF EXECUTIVE ORDER 6646

NOVEMBER 1, 1934.

EXCEPTION No. 59.

UPON THE RECOMMENDATION OF THE DEPARTMENT OF AGRICULTURE,  
THROUGH THE PROCUREMENT DIVISION, TREASURY DEPARTMENT

By virtue of the delegation of authority by the President of the United States, the following exception from the operation of Executive Order 6646 is hereby made:

“Contract with the Memphis Garages, Incorporated, Front Street at Court, Memphis, Tennessee, in supplying garage space for the remainder of the current fiscal year.”

NATIONAL INDUSTRIAL RECOVERY BOARD  
By W. A. HARRIMAN, *Administrative Officer*.

WASHINGTON, D. C.

## ADMINISTRATIVE ORDER NO. X-109

GOVERNMENT CONTRACTS AND CONTRACTS INVOLVING THE USE OF  
GOVERNMENT FUNDS

## APPLICATION OF EXECUTIVE ORDER 6646

EXCEPTION No. 60.

NOVEMBER 1, 1934.

UPON THE RECOMMENDATION OF THE WAR DEPARTMENT, THROUGH  
THE PROCUREMENT DIVISION, TREASURY DEPARTMENT

By virtue of the delegation of authority by the President of the United States, the following exception from the operation of Executive Order 6646 is hereby made:

“1. Contract with Winchester Repeating Arms Company for 910,000 cartridges, blank, caliber .22 short.

2. Contract with Remington Arms Company for 5,000 cartridges, blank, caliber .22 long rifle, for use by the Springfield Armory.”

NATIONAL INDUSTRIAL RECOVERY BOARD  
By W. A. HARRIMAN, *Administrative Officer.*

WASHINGTON, D. C.

## ADMINISTRATIVE ORDER No. X-107

## NATIONAL INDUSTRIAL RECOVERY BOARD

## CONFERRING AUTHORITY UPON THE ADMINISTRATIVE OFFICER

Pursuant to the authority vested in it by Executive Order No. 6859, approved September 27, 1934, and otherwise, the National Industrial Recovery Board, pending its further order, hereby authorizes W. A. Harriman as Administrative Officer of the National Recovery Administration, acting subject to the direction of said Board, in its name and by its authority to direct and coordinate all administrative activities of the National Recovery Administration and to execute any or all papers, documents, or other instruments in writing required in the performance of the functions and powers delegated to said Board by said Executive Order and otherwise, including, but without limitation, the power to issue orders, approvals, rules or regulations.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By S. CLAY WILLIAMS, *Chairman*.

WASHINGTON, D. C.,  
*November 1, 1934.*

## ADMINISTRATIVE ORDER 156-43

## ORDER, CODE OF FAIR COMPETITION FOR THE RUBBER MANUFACTURING INDUSTRY—HEEL AND SOLE DIVISION—APPROVING GROUP CUSTOMER CLASSIFICATION DEFINITIONS

An application having been duly made by the Divisional Code Authority for the Heel and Sole Division of the Rubber Manufacturing Industry for approval of Group Customer Classification Definitions in accordance with provisions of Article III-A, Section 1 of Chapter VI of said Code, and a hearing having been duly held thereon, and the Assistant Deputy Administrator having reported and it appearing to our satisfaction that the approval thereof is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, said Section 1, Article III-A, Chapter VI, of said Code, and otherwise, hereby orders that the Group Customer Classification Definitions set forth in Schedule "A" attached hereto and hereby made a part hereof, adopted as hereinabove stated, be and the same hereby are approved.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

JOSEPH F. BATTLEY,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
*November 2, 1934.*

## ADMINISTRATIVE ORDER NO. 403-7

ORDER, CODE OF FAIR COMPETITION FOR THE BLEACHED SHELLAC  
MANUFACTURING INDUSTRY—APPROVAL OF APPLICATION FOR  
HAVING THE NATIONAL RECOVERY ADMINISTRATION TO HANDLE  
LABOR COMPLAINTS

An application having been duly made by the Code Authority for the Bleached Shellac Manufacturing Industry for the approval of the plan of having the National Recovery Administration handle all labor complaints arising from violations of the Code of Fair Competition for the Bleached Shellac Manufacturing Industry and the Deputy Administrator having recommended such approval and authorization:

NOW, THEREFORE, pursuant to authority vested in me by the National Industrial Recovery Board and otherwise, it is hereby ordered, subject to any pertinent rules and regulations issued by said Board and to the right of said Board to make such changes in the approval and in the authorization herein granted as may seem to it necessary in order to effectuate the policies of Title I of the National Industrial Recovery Act, that all labor complaints arising from the violation of said Code be referred to the National Recovery Administration for such action as is considered necessary.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By JOSEPH F. BATTLEY,  
*Acting Division Administrator.*

Order recommended:

EARLE W. DAHLBERG,  
*Deputy Administrator.*

WASHINGTON, D. C.,  
*November 3, 1934.*

## ADMINISTRATIVE ORDER NOS. 470-6 AND 4-55

JURISDICTIONAL INTERPRETATION—ALUMINUM INDUSTRY AND  
ELECTRICAL MANUFACTURING INDUSTRY

## INTERPRETATION—ORDER NO. 470-6, ORDER NO. 4-55

- Name of codes.*—1. Aluminum Industry. Code No. 470, Div. I,  
Article II (a).  
2. Electrical Manufacturing Industry. Code No.  
4, Div. II, Article I.

*Applicant.*—Association of Manufacturers in the Aluminum Industry.

*Facts.*—(a) The Code of Fair Competition for the Electrical Manufacturing Industry, approved August 4, 1933, includes the following definitions:

## ELECTRICAL MANUFACTURING INDUSTRY

“Article I—‘Electrical Manufacturing Industry’ . . . is defined to mean the manufacture for sale of electrical apparatus, appliances, material or supplies, and such other electrical or allied products as are natural affiliates . . .

“‘Employer’ . . . shall include every person promoting, or actively engaged in, the manufacture for sale of the products of the electrical manufacturing industry . . .”

(b) The Code of Fair Competition for the Aluminum Industry, approved June 26, 1934, includes the following definitions:

## ALUMINUM INDUSTRY

“Article II (a)—‘Aluminum Industry’ . . . includes any or all operations of the following Commodity Divisions and the original sale of the products produced or manufactured by a Member of the Industry either directly or indirectly through parent, subsidiary and/or affiliated company:

“8. The production of aluminum tubing, conduit, bar, rod, wire, cable and other wrought forms and products not otherwise classified.

“‘Member of the Industry’ . . . includes, but without limitation, any individual partnership, association, corporation or other form of enterprise engaged in the Industry, either as employer or on his or its own behalf.”

*Question.*—Is the manufacture for sale of aluminum wire and cable subject to the provisions of the Code of Fair Competition for the Electrical Manufacturing Industry?

*Interpretation.*—The manufacture for sale of aluminum wire and cable is not subject to the provisions of the Code of Fair Competition for the Electrical Manufacturing Industry. The approval of the Aluminum Code definitely determined the classification of this product and as provided in the Aluminum Code, the manufacture and original sale of aluminum wire and cable is subject to the provisions of the Code of Fair Competition for the Aluminum Industry.

Approved:

NATIONAL INDUSTRIAL RECOVERY BOARD  
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

JOHN E. SKILLING,  
*Code Legal Adviser, Division I.*

W. A. JANSSEN,  
*Deputy Administrator, Division I.*

W. P. ELLIS,  
*Acting Division Administrator, Division I.*

EMMETT P. DELANEY,  
*Code Legal Adviser, Division II.*

DEXTER TUTEIN,  
*Deputy Administrator, Division II.*

BARTON W. MURRAY,  
*Division Administrator, Division II.*

J. G. SCOTT,  
*Chief of the Legal Division.*

Found not inconsistent with established policies:

ALVIN BROWN,  
*Review Officer.*

WASHINGTON, D. C.  
*November 5, 1934.*

## ADMINISTRATIVE ORDER NO. LP 19-7

HOURS AND WAGES, GRANTING STAY OF CODE PROVISIONS  
REVELENT TO

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ORDER, CODE OF FAIR COMPETITION FOR THE AUCTION AND  
LOOSE LEAF TOBACCO WAREHOUSE INDUSTRY CODE—GRANT-  
ING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE  
III, SECTION 1

WHEREAS, an application has been made by the Code Authority of the Auction and Loose Leaf Tobacco Warehouse Industry for a stay of the operation of the provisions of Article III, Section 1 of the Code of Fair Competition for the Auction and Loose Leaf Tobacco Warehouse Industry; and

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board, that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of said provision of said Code be, and it is hereby, stayed as to all members of the industry subject thereto provided that such members of the industry who wish to avail themselves of such stay shall:

1. File notice of intention with the Code Authority.
2. After filing such notice with the Code Authority employees within the purview of said Section 1 of Article III of said Code shall be permitted to work ten (10) hours in excess of the maximum weekly hours provided in said Section 1 of Article III but not to exceed a maximum of twelve (12) hours in any one day, provided, however, that all hours in excess of eight (8) in any one day or forty (40) in any one week shall be compensated for at the rate of time and one half of the basic rate per hour.

This order shall take effect as of the date hereof and shall terminate within such time as a permanent solution of the peak season problem shall be made by the National Industrial Recovery Board with the cooperation of the Code Authority but in no event shall this order extend beyond the 1st day of February 1935.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*November 5, 1934.*



## ADMINISTRATIVE ORDER NO. 440-10

## ORDER, CODE OF FAIR COMPETITION FOR THE DOWEL PIN MANUFACTURING INDUSTRY—OPERATIONS OR OCCUPATIONS DEEMED HAZARDOUS OR DETRIMENTAL TO THE HEALTH OF PERSONS UNDER EIGHTEEN YEARS OF AGE

The Code Authority for the Dowel Pin Manufacturing Industry, in accordance with Section 1, of Article V, of the Code of Fair Competition for the Dowel Pin Manufacturing Industry, has submitted to the National Industrial Recovery Board a list of occupations deemed hazardous in nature or detrimental to the health of persons under eighteen (18) years of age in this Industry, within the meaning of Section 1 of Article V, which are as follows:

I. *In Occupations Involving Specific Mechanical Hazards—Machine Work.* (Prohibition to apply to operating, assisting in operating, or taking material from the following machines.)

1. All occupations in connection with power driven wood-working machinery.

*Exception.*—Employment on any of the above-named machines may be permitted in the case of minors between 16 and 18 years of age under conditions of bonafide apprenticeship to a trade.

2. In oiling, cleaning or wiping machinery in motion.

3. In applying belts to a pulley in motion or assisting therein.

II. *Occupations Involving General Hazards.*

4. Firing of steam or water boilers (except boilers of not more than 15 lbs. pressure used solely for heating purposes.)

5. As drivers or assistants to drivers of motor vehicles or as helpers or delivery boys on motor vehicles.

6. In or assisting in the operation of gas, oil, or steam engines or other prime movers.

7. In the custody, operation or repair of elevators, cranes, derricks, or other hoisting apparatus, except in the operation of (1) dumbwaiters as defined by the American Standards Association, or (2) of elevators equipped only for automatic operation.

Apprentices shall be defined as "those who are regularly indentured under contract to the Industry for a sufficient period of time to be systematically advanced through the various operations, shops, departments, etc., of a Trade, Occupation, or Industry, and who receive educational training in an organized educational institution during a portion of their working time."

Pursuant to Section 1 of Article V, the National Industrial Recovery Board does hereby approve the recommendation of the Code Authority that work performed in the operations listed above is hazardous in nature and is detrimental to health within the meaning of Section 1 of Article V, and orders that it shall have the same force

and effect as other provisions of the Code, this Order to become effective twenty (20) days after the date hereof, unless prior to that date good cause to the contrary shall have been shown to the Board and it has, by its further Order, otherwise determined.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By W. P. ELLIS, *Acting Division Administrator.*

Approval recommended:

A. C. DIXON,  
*Deputy Administrator.*

WASHINGTON, D. C.,  
*November 5, 1934.*

## ADMINISTRATIVE ORDER NO. 278-125

## EXEMPTION FROM REGISTRATION REQUIREMENTS

ORDER, CODE OF FAIR COMPETITION FOR THE TRUCKING INDUSTRY—GRANTING EXEMPTION OF HUMANLY PROPELLED VEHICLES FROM THE PROVISIONS OF ARTICLE VI, SECTIONS 1, 2, 3, AND 4

WHEREAS, The National Code Authority of the Trucking Industry has requested that an exemption be granted to all members of the Trucking Industry from the provisions of Article VI, Sections 1, 2, 3 and 4 of the Code of Fair Competition for the Trucking Industry insofar as such provisions are applicable to vehicles propelled by human motive power.

WHEREAS, an investigation of the facts has been made and the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board that the exemption hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that all members of the Trucking Industry be and they hereby are exempted from said provisions of said Code insofar as such provisions are applicable to vehicles propelled by human motive power. This Order shall become effective on the twentieth day after the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and a subsequent Order is issued to that effect; and this Order is expressly subject to cancellation at any time subsequent to the effective date hereof, in the event of a showing of proper cause.

NATIONAL INDUSTRIAL RECOVERY BOARD

By LEIGHTON H. PEEBLES,

*Acting Division Administrator, Public Utilities Division.*

Approval recommended:

C. P. CLARK,

*Deputy Administrator.*

NOVEMBER 5, 1934.

## ADMINISTRATIVE ORDER NO. 438-9

## ORDER, CODE OF FAIR COMPETITION FOR THE ABRASIVE GRAIN INDUSTRY—OPERATIONS OR OCCUPATIONS DEEMED HAZARDOUS OR DETRIMENTAL TO THE HEALTH OF PERSONS UNDER EIGHTEEN YEARS OF AGE

The Code Authority for the Abrasive Grain Industry, in accordance with Section 1 of Article V of the Code of Fair Competition for the Abrasive Grain Industry, has submitted to the National Industrial Recovery Board a list of occupations deemed hazardous in nature or detrimental to the health of persons under eighteen (18) years of age in this Industry, within the meaning of Section 1 of Article V, which are as follows:

I. *Occupations Involving General Hazards.*

1. Firing of steam or water boilers (except boilers of not more than 15 lbs. pressure used solely for heating purposes.)
2. As drivers or assistants to drivers of motor vehicles, or as helpers or delivery boys on motor vehicles.
3. In, or assisting in, the operation of gas, oil, or steam engines or other prime movers.
4. In the care, custody, operation or repair of elevators, cranes, derricks, or other hoisting apparatus, except in the operation of (1) dumbwaiters as defined by the American Standards Association, or (2) of elevators equipped only for automatic operation.

II. *Occupations Involving Specific Mechanical Hazards—Machine Work.* (Prohibition to apply to operating, assisting in operating, or taking material from the following machines.)

5. Machinery having a heavy rolling or crushing action.
6. Roller mixers, pug mills, putty chasers or forming machinery of the pressure type.
7. In oiling, cleaning or wiping machinery or shafting in motion.
8. Applying belts to pulleys in motion or assisting therein.

III. *Occupations Involving Health Hazards.*

9. In processes where quartz or any other forms of silicon dioxide or an asbestos silicate is present in powdered form.

Pursuant to Section 1 of Article V, the National Industrial Recovery Board does hereby approve the recommendation of the Code Authority that work performed in the operations listed above is hazardous in nature and is detrimental to health within the meaning of Section 1 of Article V, and order that it shall have the same force and effect and other provisions of the Code, this Order to become effective twenty (20) days after the date hereof, unless prior to that date good

cause to the contrary shall have been shown to the Board and it has by its further Order, otherwise determined.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By W. P. ELLIS, *Acting Division Administrator.*

Approval recommended:

BEVERLY OBER,  
*Deputy Administrator.*

WASHINGTON, D. C.,  
*November 6, 1934.*

## ADMINISTRATIVE ORDER NO. 429-9

## WAGES, EXTENDING TIME TO REPORT ON MINIMUM

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ORDER, CODE OF FAIR COMPETITION FOR THE CANNED SALMON INDUSTRY—GRANTING APPLICATION FOR A FURTHER STAY OF THE PROVISIONS OF ARTICLE VI, SECTION 8, SUB-SECTION (1)

WHEREAS, an application has been made by the Code Authority for the Canned Salmon Industry located at 1440 Exchange Building, Seattle, Washington, for a further stay of the operation of the provisions of Article VI, Section 8, Sub-section (1), of the Code of Fair Competition for the Canned Salmon Industry; and

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board, that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said Code be, and it is hereby, stayed as to all parties subject thereto, to and including January 15, 1935.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator*.

WASHINGTON, D. C.,  
*November 6, 1934.*

## ADMINISTRATIVE ORDER NO. 467-27

OVERTIME WORK, STAYING CODE PROVISIONS RELEVANT TO SUNDAYS  
AND LEGAL HOLIDAYS

## ORDER, CODE OF FAIR COMPETITION FOR THE CIGAR MANUFACTURING INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE III, SECTION 4

WHEREAS, an application has been made by the Code Authority for the Code of Fair Competition for the Cigar Manufacturing Industry for a stay of the operation of the provisions of Article III, Section 4 of the Code of Fair Competition for the Cigar Manufacturing Industry; and

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said code be, and they are hereby, stayed as to all parties subject thereto for one day, to wit: November 12, 1934.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator*.

WASHINGTON, D. C.,  
*November 6, 1934.*

## ADMINISTRATIVE ORDER NO. 450-7

LABELING REQUIREMENTS, PROVIDING ADDITIONAL TIME  
TO REPORT ON

## ORDER, CODE OF FAIR COMPETITION FOR THE DOG FOOD INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE VIII, SECTION 1

WHEREAS, an application has been made by the Code Authority for the Dog Food Industry of 608 Fifth Avenue, New York City, for a stay of the operation of the provisions of Article VIII, Section 1 of the Code of Fair Competition for the Dog Food Industry; and

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board, that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said code be, and it is hereby, stayed as to all parties subject thereto for a period of ninety days after the expiration date as contained in Article VIII, Section 1 of the Code of Fair Competition for the Dog Food Industry.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D. C.,  
*November 6, 1934.*



## ADMINISTRATIVE ORDER NO. 450-8

PRODUCTS STANDARDS, PROVIDING ADDITIONAL TIME TO REPORT ON

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ORDER, CODE OF FAIR COMPETITION FOR THE DOG FOOD INDUSTRY—GRANTING APPLICATION FOR A STAY OF THE PROVISIONS OF ARTICLE VII, SECTION 1

WHEREAS, an application has been made by the Code Authority for the Dog Food Industry of 608 Fifth Avenue, New York City, for a stay of the operation of the provisions of Article VII, Section 1 of the Code of Fair Competition for the Dog Food Industry; and

WHEREAS, the Deputy Administrator has reported, and it appears to the satisfaction of the National Industrial Recovery Board that the stay hereinafter granted is necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW, THEREFORE, pursuant to authority vested in the National Industrial Recovery Board, it is hereby ordered that the operation of said provisions of said code be, and it is hereby, stayed as to all parties subject thereto for a period of ninety days after the expiration date as contained in Article VII, Section 1 of the Code of Fair Competition for the Dog Food Industry.

NATIONAL INDUSTRIAL RECOVERY BOARD  
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

ARMIN W. RILEY,  
*Division Administrator.*

WASHINGTON, D. C.  
*November 6, 1934.*



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